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The Child Abuse Central Index

The Unreliability of This Database Puts Children at Risk and May Violate Individuals' Rights

Background

State law requires the California Department of Justice (DOJ) to maintain the Child Abuse Central Index (CACI) as a statewide repository for reports of child abuse and severe neglect. County Child Welfare Services (CWS) agencies submit substantiated reports to DOJ after determining through their investigations that it is more likely than not that an individual has intentionally caused a child physical harm or death, has committed sexual assault or exploitation of a child, or has intentionally failed to provide food, clothing, shelter, or medical care to a child. As of August 2021, CACI contained references to more than 700,000 reports of child abuse. This information enables authorized users conducting background checks to determine whether an individual has been named as a suspect of substantiated allegations of child abuse, and, if so, to obtain and consider investigative reports before placing children in someone's care.

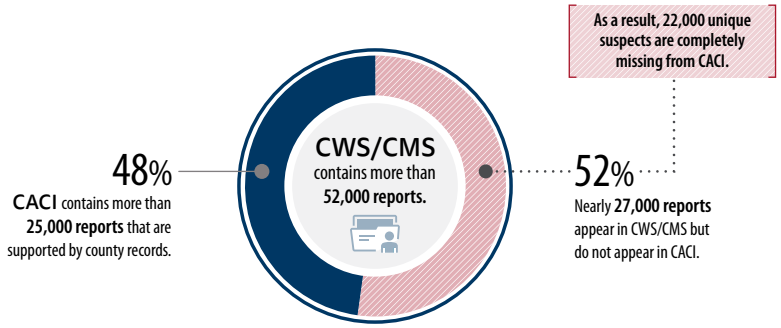
Key Findings

- Although CACI is meant to be a comprehensive database of substantiated cases of child abuse identified by county CWS agencies throughout the State, we found that it does not contain records for as many as 22,000 individuals with histories of substantiated child abuse during a recent four-year period.
  - » Users of this database cannot depend on it to help protect children from being placed in the care of individuals with a history of abusing children.
  - » DOJ provided at least 224 letters to authorized users indicating that individuals did not have histories of substantiated child abuse when county records indicated otherwise.
- Conversely, but on a smaller scale, CACI incorrectly identifies some individuals as having a substantiated history of child abuse.
  - » We found 298 reports of child abuse in CACI that were not supported by county records.
- The State relies on an error-prone manual process for managing CACI data.

Key Recommendations

- The Legislature should amend state law to reduce errors and inefficiencies in the child abuse background check process.
- Until the Legislature amends state law, DOJ, the California Department of Social Services, and county CWS agencies should collaborate to identify and enter into CACI all missing reports of substantiated child abuse. DOJ should then send revised letters to authorized users as necessary.
- DOJ should address inaccurate data in CACI and develop policies and procedures related to managing child abuse report information.
- To ensure confidentiality, fairness, and CACI's accuracy and completeness, the counties we reviewed—Calaveras, Contra Costa, Kern, Orange, Shasta, and Stanislaus—should adopt or develop various policies and procedures for reporting incidents of child abuse to DOJ or hearing grievances.

CACI Does Not Contain 22,000 Suspects Because It Is Missing Substantiated Reports of Child Abuse for the Period of July 2017 Through June 2021


As a result, 22,000 unique suspects are completely missing from CACI.
48%
CACI contains more than 25,000 reports that are supported by county records.
CWS/CMS contains more than 52,000 reports.
52%
Nearly 27,000 reports appear in CWS/CMS but do not appear in CACI.

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May 2022

REPORT 2021-112

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May 31, 2022
2021-112

The Governor of California
President pro Tempore of the Senate
Speaker of the Assembly
State Capitol
Sacramento, California 95814

Dear Governor and Legislative Leaders:

Our audit of the California Department of Justice's (DOJ) Child Abuse Central Index (CACI)—the database that is meant to be a comprehensive list of individuals with substantiated reports of child abuse—found that less than half of the 52,000 reports of child abuse that social workers substantiated from July 2017 through June 2021 were in CACI. This difference means that authorized users of CACI cannot depend on the database to help protect children when they make decisions about hiring individuals to work in day care centers or group homes, or about whom they can entrust with the care or custody of a child.

The audit found that the current child abuse reporting process is cumbersome and error-prone, and it revealed multiple reasons for CACI's incomplete data. Specifically, DOJ did not always enter into CACI the reports of child abuse it received from counties, and counties did not always send reports of child abuse to DOJ for entry into the database. Furthermore, state law allows for differing interpretations of which child abuse reports the counties should send to DOJ. As a result, at least one county requires that a social worker interview a suspected child abuser before it will submit a substantiated report of child abuse to DOJ, while other counties do not generally follow this interpretation.

To better protect children from individuals with a history of perpetrating abuse, the Legislature should streamline the process for sharing reports of child abuse, which would help DOJ provide the most complete and accurate response to the background checks authorized users request.

Respectfully submitted,

MICHAEL S. TILDEN, CPA
Acting California State Auditor

Selected Abbreviations Used in This Report

ACHS	California Automated Criminal History System
CACI	Child Abuse Central Index
CWS	Child Welfare Services
CWS/CMS	CWS Case Management System
DOJ	California Department of Justice

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Summary

Results in Brief

The California Department of Justice (DOJ) administers the Child Abuse Central Index (CACI), a database containing substantiated cases of physical, sexual, and emotional abuse or severe neglect of a child (child abuse) that have been forwarded to DOJ by county Child Welfare Services (CWS) agencies. Authorized users, such as social welfare, law enforcement, and county licensing agencies, rely on information in CACI to inform screening decisions for applicants who wish to care for children or before placing a child in a foster care home, among other reasons. However, the effectiveness of CACI as a tool for protecting children is seriously hindered by inaccurate and incomplete data.

Specifically, we found that CACI does not contain more than half of the child abuse cases, or about 27,000 cases, that were substantiated by county CWS agencies statewide during the four-year period ending in June 2021, equating to 22,000 unique suspects with a history of child abuse being completely excluded from the database. Moreover, given the significant gap in CACI reports for the four-year period we reviewed, it is highly likely that CACI is also missing a large number of suspects from prior years that we did not examine. Our review of a selection of 60 cases that were not in CACI from six counties—Calaveras, Contra Costa, Kern, Orange, Shasta, and Stanislaus—revealed that miscommunication among county staff and a lack of tracking from DOJ were major causes of these missing reports. We further found that state law and certain counties' processes allow county staff to substantiate certain cases but not report them to CACI when the social worker is unable to interview the suspected abuser. Because of this nuance in state law, some substantiated cases of child sexual abuse and exploitation are not being reported to CACI. As a result, the safety of children is at risk because authorized users of CACI are unable to appropriately vet individuals before enabling them to have access to children. In fact, when we compared the list of substantiated reports of child abuse that are not in CACI with individuals about whom DOJ performed CACI background checks, we found that DOJ provided at least 224 letters to authorized users, such as county licensing agencies, indicating that these individuals did not have substantiated child abuse reports in CACI when county records indicated otherwise.[1]

Audit Highlights . . .

Our audit of CACI highlighted the following:

» *Although CACI is meant to be a comprehensive database of substantiated cases of child abuse identified by county CWS agencies throughout the State, we found that it does not contain records for as many as 22,000 individuals with histories of substantiated child abuse during a recent four-year period.*

- *Users of this database cannot depend on it to help protect children from being placed in the care of individuals with a history of abusing children.*
- *In fact, we found that DOJ provided at least 224 letters to authorized users indicating that individuals did not have substantiated child abuse reports when county records indicated otherwise.*

» *Conversely, but on a smaller scale, CACI incorrectly identifies some individuals as having a substantiated history of child abuse.*

- *We found 298 reports of child abuse in CACI that were not supported by county records.*

» *The State relies on an error-prone manual process for managing CACI data.*

» *We recommend legislative action to reduce errors and inefficiencies in the child abuse background check process by giving DOJ direct access to substantiated child abuse reports contained in the same system counties use to record the results of their child abuse investigations.*

[1] As indicated in the Audit Results, available evidence indicates that DOJ sent but did not retain additional letters to authorized users that had requested expedited background checks for individuals whose substantiated cases of child abuse are not in CACI. However, we cannot accurately determine the number of additional letters that DOJ sent.

Additionally, although the problem is not nearly the same size or scope as the thousands of missing records in CACI, we identified 298 reports of child abuse in CACI during the same four-year period that did not have corresponding substantiated reports of child abuse in county records. Because these individuals were included in CACI, DOJ sent at least 25 letters in response to background checks by authorized users notifying them that these individuals were a possible match with a known child abuse suspect in CACI. These records were included in CACI because of a number of factors, including county CWS agencies' and DOJ's lack of appropriate policies for removing records from CACI. As a result, DOJ indicated that these individuals had a history of child abuse, which could result in authorized users denying or delaying the opportunity for these individuals to care for children.

The source of many of the problems we found is the State's reliance on an inefficient, manual process for managing CACI data, a process that is prone to avoidable errors. As a result, DOJ was unable to ensure that it had entered all reports into CACI, and we determined that 22,000 suspects with a substantiated history of child abuse were not included in CACI. DOJ was also unable to demonstrate that it has appropriately deleted records from CACI. These problems can hinder DOJ from quickly and reliably responding to CACI background checks, and they further increase the risk that DOJ would send a response letter with incomplete or inaccurate information. However, the Legislature could resolve this by changing state law to give DOJ direct access to the same system that county CWS agencies use to document county-substantiated cases, bypassing the cumbersome and error-prone CACI reporting process and thereby increasing the accuracy and efficiency of the background checks DOJ performs on individuals wishing to care for children.

Agency Comments

Although DOJ believed it needed to provide additional context related to our audit findings and conclusions, it generally agreed to implement our recommendations. Social Services generally agreed with the intent of our recommendations, but expressed concerns with how it would implement the recommendations. The counties we reviewed generally agreed with our findings and conclusions and indicated that they would implement our recommendations.

Recommendations

The following are the recommendations we made as a result of our audit. Complete descriptions of the findings and conclusions that led to these recommendations can be found in the Audit Results section of this report.

Legislature

To better protect children when an authorized user requests a child abuse background check, the Legislature should amend state law to require DOJ to directly access and review CWS Case Management System (CWS/CMS) data, which counties already use to record the results of their child abuse investigations. If the Legislature implements this change, it should no longer require counties to submit reports of child abuse to DOJ for inclusion in CACI, thus eliminating redundant efforts and reducing the risk of error.

To maximize the effectiveness of child abuse background checks in protecting children, the Legislature should amend state law to require all reports of substantiated child abuse to be included in DOJ's background checks. To protect the due process rights of individuals, the Legislature should continue to require a grievance hearing process.

DOJ

Until the Legislature amends state law and DOJ develops processes to use the CWS/CMS data for child abuse background checks, DOJ should do the following:

- Immediately develop a process for responding to child abuse background checks that includes checking CACI and the list of 298 reports of child abuse that were not supported by county records, and working with the California Department of Social Services (Social Services) to check the list of 27,000 reports of substantiated child abuse that were not contained in CACI. If the individual is on either list, DOJ should follow up with the relevant county to determine whether the individual's report should be included in CACI.

- Collaborate with Social Services by November 2022 to identify and reconcile all reports that should have been submitted to CACI by counties. Work with counties to enter all missing reports into CACI by June 2023. This collaboration should not be limited to the reports in our four-year audit period.

- To ensure that it accurately enters all cases of child abuse it receives, by July 2022 DOJ should develop policies and procedures to track, enter into CACI, and review data entry for all reports of child abuse it receives from counties. Also by July 2022, DOJ should develop policies and procedures to track those reports that it sends back to counties for correction.

- To ensure that only appropriate records are removed from CACI, by July 2022 DOJ should develop policies and procedures related to how staff remove records from CACI. These policies and procedures should include a process to verify that deletions are appropriate.

- To prevent omissions in CACI reporting, DOJ should develop policies and procedures by November 2022 to reconcile CACI with monthly reports from Social Services to verify that counties have submitted—and DOJ has entered or deleted as appropriate—all reports into CACI.

To ensure that authorized users have accurate and complete information, by July 2022 DOJ should send revised letters for the suspects whose reports of child abuse were omitted from CACI and for individuals inappropriately included in CACI. To ensure that it is able to revise expedited letters if they are later determined to be incorrect, DOJ should immediately begin maintaining a history of all responses to expedited background checks.

To ensure that suspects' information is deleted from CACI in accordance with state law, by November 2022 DOJ should research and address the 36,000 reports in CACI lacking birth dates by entering the suspect's correct birth date and removing suspects who no longer meet the CACI requirements.

Social Services

Until the Legislature amends state law and DOJ develops processes to use CWS/CMS, Social Services should do the following:

- Immediately develop a process to collaborate with DOJ and counties to review the list of 27,000 reports of substantiated child abuse that were not in CACI and ensure that all eligible missing reports are forwarded to DOJ.

- By November 2022, develop monthly reports from CWS/CMS of cases of child abuse substantiated during the month and another list of cases that changed from substantiated to not substantiated, and then provide these reports to the counties and to DOJ.

- By November 2022, ensure that all counties develop policies and procedures to review the monthly reports produced by Social Services and ensure that they have sent all appropriate reports to DOJ.

- By November 2022, collaborate with DOJ to identify and reconcile all reports that should have been submitted to CACI by counties and work with counties to send all reports to CACI by May 2023. This collaboration should not be limited to the reports of our four-year audit period.

Counties

To ensure that it submits accurate and complete information to CACI, by July 2022 Calaveras County should develop policies and procedures for reporting all incidents of substantiated child abuse that it actively investigates, in accordance with state law.

To ensure that they correctly revise and resend reports that were incomplete and needed correction, by July 2022 Calaveras, Kern, Orange, Shasta, and Stanislaus counties should develop policies and procedures for accurately responding to and tracking reports DOJ sends back for correction.

To ensure that CACI contains accurate and complete information, and to ensure that individuals' rights are adequately protected, by July 2022 Calaveras, Contra Costa, and Shasta counties should develop policies for removing existing reports in CACI when warranted.

To ensure that CWS/CMS contains accurate investigation conclusions, by July 2022 Calaveras and Contra Costa counties should immediately identify and correct the reports in CWS/CMS that are incorrectly marked as *substantiated*.

To ensure fair and impartial grievance hearings and to comply with state regulations, Contra Costa, Kern, and Stanislaus counties should, by July 2022 adopt grievance hearing policies allowing the complainant to challenge the impartiality of the grievance review officer.

To ensure the confidentiality of sensitive and personally identifying information protected by state law, Orange and Stanislaus counties should, by July 2022 adopt grievance hearing policies requiring the return of confidential evidence when the county provides such evidence to suspects for a grievance hearing.

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Introduction

Background

Since 1965 state law has required the California Department of Justice (DOJ) to maintain the Child Abuse Central Index (CACI) as a statewide repository for reports of child abuse and severe neglect. County Child Welfare Services (CWS) agencies submit substantiated reports to DOJ after determining through their investigations that it is more likely than not that an individual has intentionally caused a child physical harm or death, has committed sexual assault or exploitation of a child, or has intentionally failed to provide food, clothing, shelter, or medical care to a child.[2] Throughout this report we refer to these various acts of abuse and severe neglect as *child abuse*. State law restricts the release of information in CACI to authorized users, listed in the text box, and to individuals requesting information on whether they are listed in CACI.

Authorized Users of CACI

For the purpose of investigating or prosecuting child abuse, or for performing background checks on individuals who will care for or have regular contact with children, state law authorizes the following entities to have access to CACI records:

- California Department of Social Services
- County licensing agencies
- Tribal agencies
- In-state or out-of-state adoption agencies
- Health care practitioners who are treating individuals reported as possible victims of child abuse
- State or county child death review councils
- Law enforcement agencies
- County welfare departments
- Prosecutors and court investigators
- Court Appointed Special Advocates
- Government agencies conducting background checks for peace officer applicants.
- Other county child welfare agencies or their delegates who conduct background investigations on applicants seeking employment or volunteer status that would give them direct access to children.

Source: State law.

The primary purpose of CACI is to centralize reports of child abuse so that authorized users can locate reports about individuals and identify the local agency that investigated the incident. As of August 2021, CACI contained references to more than 700,000 reports of child abuse. This information enables authorized users conducting background checks to determine whether an individual has been named as a suspect of substantiated allegations of child abuse, and, if so, to obtain the investigative information in order to inform decisions when hiring staff to care for children or when placing children under someone's care. For example, state law requires licensed adoption agencies to check CACI—in addition to performing a criminal record review—as part of their vetting process of any prospective adoptive parent. Should DOJ notify the authorized user that CACI contains a relevant report, state law requires the authorized user to obtain the original investigation report and to form an independent hiring or placement decision based on the quality of the evidence in the report.

[2] Prior to 2012, local law enforcement agencies also sent child abuse reports to DOJ.

The Importance of CACI

Although state law may require authorized users to perform criminal history reviews, including a check of criminal information databases, these databases do not necessarily contain the same individuals or information that CACI does. Notably, the California Automated Criminal History System (ACHS) records information such as arrests or convictions, which require different evidentiary standards than is required for inclusion in CACI. For example, for a suspect to be found guilty of a criminal charge of child abuse in a court proceeding—and have the conviction entered into ACHS—a court would have found, beyond a reasonable doubt, that the child abuse occurred. On the other hand, CACI contains substantiated reports of child abuse, which state law defines as those cases in which the investigator concluded that child abuse more likely than not occurred, which is a lower evidentiary standard. Further, state law prohibits the release of arrest or court information from ACHS under certain circumstances, such as when the individual completes education, treatment, or rehabilitation programs in lieu of further criminal proceedings. In these cases, DOJ would report that ACHS did not contain any criminal history of the individual, and the only record of a substantiated investigation of child abuse would come from CACI. Because some authorized users have access to certain reports of child abuse only through CACI, it is critical that CACI be accurate and complete.

State law describes counties as responsible for the completeness and accuracy of the reports they send to DOJ, and it also requires DOJ to maintain the database and ensure that the information counties submit is accurately reflected in CACI. If suspect reports are not added to CACI as state law requires, authorized users may lack critical information when deciding whether to allow an individual to have contact with children. Additionally, to the extent that authorized users do not perform independent reviews of CACI information sent to them by DOJ, individuals who are incorrectly included in CACI may be denied certain rights and privileges, such as the ability to adopt children or the ability to be employed to care for children.

Information Flow of CACI Reports

County social workers conduct investigations of suspected child abuse and document these investigations in the statewide CWS Case Management System (CWS/CMS) maintained by the California Department of Social Services (Social Services). In addition to recording information on the allegations of abuse and the individuals involved, CWS/CMS contains a variety of information such as records of foster placements of children,

services provided to families, and relevant actions by the courts. When social workers complete the associated investigations and substantiate allegations, CWS/CMS automatically populates a CACI report with the available data. Social workers then print, finalize, and mail the reports to DOJ as DOJ requires. According to DOJ, if it determines that the reports are missing any required information, it mails the reports back to the county and requires the county to resend corrected reports. DOJ's staff manually enter complete reports into the CACI database. Then, a DOJ staff member reviews the data entry to ensure that it accurately reflects the reports before a separate DOJ unit scans and stores an electronic copy of the reports. Figure 1 shows the CACI report submission, input, and reporting processes.

When counties need to amend or remove an existing report from CACI, they may mail, fax, or email DOJ a request to do so. According to DOJ, it reviews these requests and either updates the information in CACI or deletes the record. State law requires DOJ to remove suspect records from CACI for the reasons described in the text box.

State law requires DOJ to remove suspect records from CACI for the following reasons:

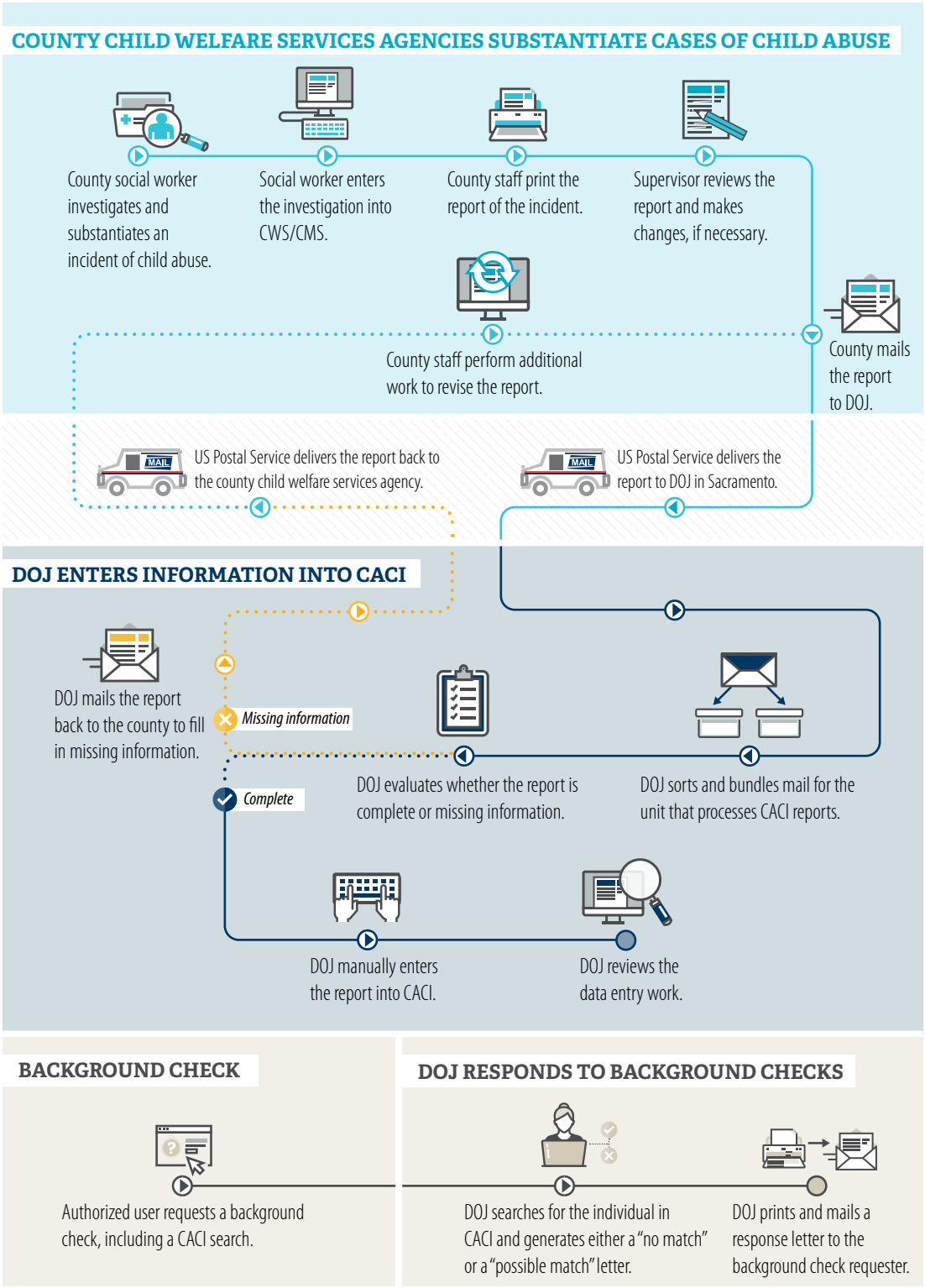
- The suspect reaches 100 years of age.
- The suspect was under 18 years of age at the time of the incident, is listed once in CACI with no subsequent listings, and 10 years have passed since the date of the incident.
- The reporting agency notifies DOJ that the suspect should be removed from CACI because the original report is no longer substantiated.

Source: State law.

Finally, DOJ staff process the requests from authorized users to search for individuals in CACI. According to DOJ, its staff search for possible matches between suspects in CACI and the individual's identifying information provided during the application process. Depending on the result of the CACI search, DOJ responds to the authorized user with a letter stating that either there was no match to CACI suspects or there was a possible match to CACI suspects. The possible match letter advises the authorized user to contact the county CWS agency that submitted the report for further information.[3]

[3] DOJ indicated that it sends a notification to the suspect when there is a possible match to CACI records and when the purpose of the background check does not involve caring for a relative's child. We did not validate whether DOJ consistently performs this notification to the suspect because we found no requirement that it do so.

Figure 1
Information Flow for Reports of Child Abuse


COUNTY CHILD WELFARE SERVICES AGENCIES SUBSTANTIATE CASES OF CHILD ABUSE
County social worker investigates and substantiates an incident of child abuse.
Social worker enters the investigation into CWS/CMS.
County staff print the report of the incident.
Supervisor reviews the report and makes changes, if necessary.
County staff perform additional work to revise the report.
County mails the report to DOJ.
US Postal Service delivers the report back to the county child welfare services agency.
US Postal Service delivers the report to DOJ in Sacramento.
DOJ ENTERS INFORMATION INTO CACI
DOJ mails the report back to the county to fill in missing information.
Missing information
Complete
DOJ evaluates whether the report is complete or missing information.
DOJ sorts and bundles mail for the unit that processes CACI reports.
DOJ manually enters the report into CACI.
DOJ reviews the data entry work.
BACKGROUND CHECK
Authorized user requests a background check, including a CACI search.
DOJ RESPONDS TO BACKGROUND CHECKS
DOJ searches for the individual in CACI and generates either a "no match" or a "possible match" letter.
DOJ prints and mails a response letter to the background check requester.

Source: State regulations, county policies, and interviews with staff at DOJ and Calaveras, Contra Costa, Kern, Orange, Shasta, and Stanislaus counties.

Grievance Hearings Process

According to state law, when counties submit a CACI report to DOJ, they must notify the suspect that a report of the substantiated child abuse, listing the individual as the suspected perpetrator, has been added to CACI and that he or she has a right to request a grievance hearing to challenge inclusion in CACI. Social Services' regulations allow a county to conduct an internal review of the matter identified in the request before holding a hearing. State law and regulations also impose various protections for ensuring the fairness of grievance hearings, such as requiring the exchange of evidence between the county and the suspect in advance and requiring a process that enables the suspect to challenge the impartiality of the hearing's presiding officer, whom the county can select. Moreover, when a hearing concludes that the suspect's CACI listing was based on a report that was not or is no longer substantiated, state law requires county CWS agencies to notify DOJ of the result, and it requires DOJ to remove that person's name from CACI. According to DOJ, it processes written requests from counties to remove records for individuals, and when it finds the corresponding individual and report to remove from CACI, it deletes the individual's report from the system. If DOJ also determines that it sent a possible match letter to a CACI authorized user within the past 12 months, it sends an amended letter to notify the authorized user of the change in status.

CACI Reporting Is a State-Mandated Program

In 2007 the Commission on State Mandates found that certain requirements imposed on county CWS agencies, including CACI reporting requirements, constitute a state mandate. As such, county CWS agencies can opt out of this reporting unless they receive funding from the State. To provide resources for counties to continue child abuse reporting, recent budget acts have allocated funding to the counties in the form of Interagency Child Abuse and Neglect block grants. The vast majority of counties accepted this grant funding and therefore remained obligated to submit CACI reports to DOJ. Although at least one county voluntarily continued to report child abuse to DOJ, four counties opted out of this grant for some portion of our four-year audit period and thus were not required to complete the CACI reporting in those years that they opted out. We estimate that these four counties were not obligated to report only about 200 cases of substantiated child abuse, or 0.4 percent of all substantiated child abuse in the State during the four-year period we reviewed. Therefore, this particular condition had little to no effect on the analysis presented in our Audit Results.

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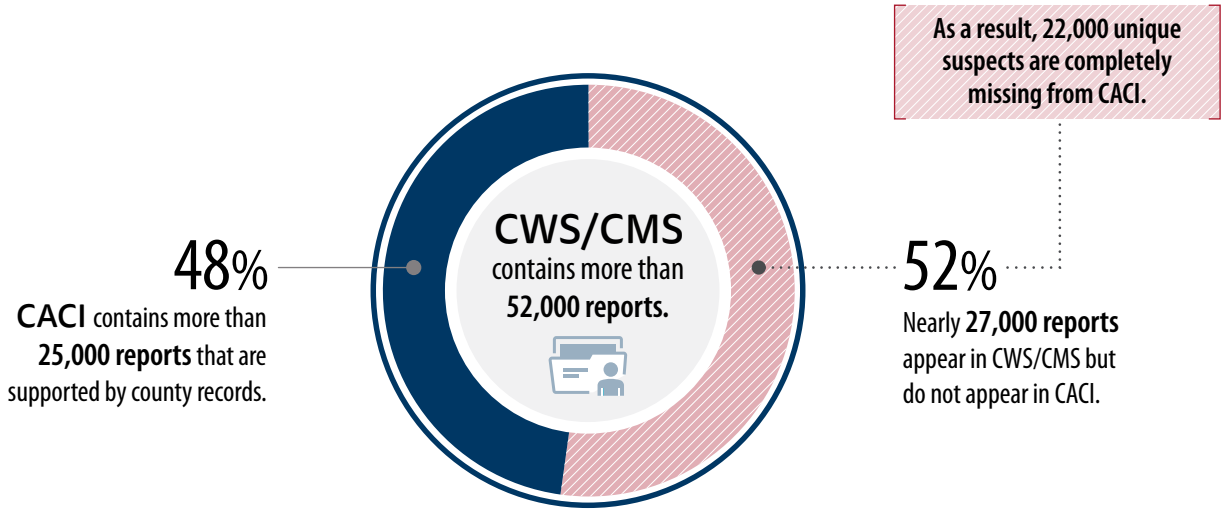
Audit Results

CACI Is Missing Many Suspects With a History of Child Abuse

CACI does not contain all of the reports of child abuse contained in the county CWS agencies records. In evaluating CWS/CMS data statewide, we identified more than 52,000 reports of substantiated child abuse that the counties generated during the four-year period ending June 2021. However, as shown in Figure 2, CACI contained only about 25,000 of these substantiated reports, meaning that it did not include more than half—about 27,000. These 27,000 reports concern about 25,000 unique suspects, and more than 22,000 of these suspects had no other reported information in CACI. As a result, authorized users requesting background checks for these 22,000 individuals may be unaware that these individuals have a history of substantiated child abuse. Given this significant gap in CACI reports for the four-year period we reviewed, it is highly likely that CACI is also missing a large number of suspects from other years that we did not examine.

Figure 2
CACI Does Not Contain 22,000 Suspects Because It Is Missing Substantiated Reports of Child Abuse for the Period of July 2017 Through June 2021


As a result, 22,000 unique suspects are completely missing from CACI.
48%
CACI contains more than 25,000 reports that are supported by county records.
CWS/CMS
contains more than
52,000 reports.
52%
Nearly 27,000 reports appear in CWS/CMS but do not appear in CACI.

Source: Data from DOJ and Social Services.

Children are at risk of being harmed when CACI is incomplete because the missing data may result in an authorized user permitting a suspect to have access to children. As we discuss in the Introduction, CACI enables authorized users conducting background checks to determine whether an individual has a history of substantiated child abuse. However, if CACI is incomplete, DOJ cannot notify an authorized user of a missing suspect's abuse record. If the authorized user then permits the suspect to have access to children, those children are at increased risk of abuse.

We compared the list of the approximately 27,000 substantiated reports of child abuse that were not in CACI with the individuals for whom DOJ performed a requested CACI check as of August 2021. As a result of our analysis, we found at least 224 instances in which DOJ sent a letter to an authorized user indicating that an individual did not match with any report in CACI even though we determined that each of those individuals had at least one substantiated case of child abuse in CWS/CMS. These authorized users might have unknowingly made children more vulnerable to abuse by enabling these suspects to have access to children. For example, in September 2020, an authorized user inquired about an individual who was requesting a license for a family day care. This individual had a history of substantiated child abuse in CWS/CMS, yet because CACI did not contain this report, DOJ sent the authorized user a letter stating that the individual did not match any reports in CACI. As a result of our inquiry, DOJ worked with the county to obtain the report, and in March 2022 DOJ notified the authorized user of the child abuse. However, during the intervening 18 months, the individual may have inappropriately had access to children.

Available evidence suggests that the total number of letters DOJ sent to authorized users indicating that individuals did not match to CACI even though they had a substantiated case of child abuse is much higher than the 224 letters we found.

Additionally, available evidence suggests that the total number of letters DOJ sent to authorized users indicating that individuals did not match to CACI even though they had a substantiated case of child abuse is much higher than the 224 letters we found. These additional letters would have resulted from DOJ's expedited CACI background check process. For such expedited background checks, DOJ only maintains up to two months of request data and does not retain copies of all of the resulting letters. For the data available at the time of our review, we found an additional 97 expedited requests for individuals with a history of child abuse whose reports were not in CACI. Although DOJ did not maintain letters resulting from all of these requests, these letters would not have been able to disclose the substantiated cases of child abuse missing from CACI. Therefore, authorized users could not have obtained and used these case records in their efforts to vet or investigate these individuals. Although we cannot quantify the number of expedited letters in which authorized users would

not have been notified of substantiated cases of child abuse, we believe the current incompleteness of CACI greatly diminishes the reliability of DOJ's expedited CACI background check process and poses a significant threat to the safety of children.

The current incompleteness of CACI greatly diminishes the reliability of DOJ's expedited CACI background check process and poses a significant threat to the safety of children.

DOJ and County CWS Agencies Could Not Adequately Explain Why CACI Is Missing Thousands of Substantiated Reports of Child Abuse

We followed up on 60 selected reports of child abuse at the six counties we reviewed, out of the approximately 27,000 substantiated child abuse reports statewide that were not in CACI, to determine whether the reports met the CACI reporting requirements and why they were not included in CACI. For the majority of missing reports, DOJ and the county CWS agencies could not adequately explain why the reports are missing from CACI. Overall, the counties appear to have provided 29 of the 60 reports to DOJ, as shown in the Table, but we were unable to find them in CACI. For another 23 reports, the counties either did not mail the reports to DOJ or the counties could not demonstrate that they had done so. For five reports, the counties incorrectly recorded the cases as substantiated and appropriately did not send the reports to DOJ. Finally, for the remaining three reports, the county asserted that the reports did not meet CACI reporting requirements despite substantiating the allegations of child abuse against these suspects. Our review confirmed that 52 of the 60 reports should have been entered into CACI. The failures in communication and data entry throughout the reporting process are extremely concerning because these reports that should have been added to CACI represent suspects about which those who depend on CACI would not be informed.

Table
Counties Failed to Send and DOJ Failed to Enter Reports of Substantiated Child Abuse

		NUMBER OF REPORTS
Reports counties assert they sent to DOJ	The county maintained a copy of the report in its case files.	14*
	The county maintained a copy of the report in its case files, but the report lacks some information that DOJ requires.	15
	Subtotal	**29**
Reports counties did not send to DOJ or could not demonstrate they had done so	The county failed to send the report to DOJ.	14
	The county did not maintain a copy of the report in its case files but has other evidence it may have sent the report.	9
	Subtotal	**23**
Reports for which the county incorrectly recorded the outcome of the investigation	The county should not have recorded the incident as substantiated child abuse in CWS/CMS. The county appropriately did not send a report to DOJ.	5
Reports the county substantiated but that should not be sent to DOJ	The county substantiated child abuse, but it determined that its investigations and conclusions did not meet CACI reporting requirements.	3
	Total	**60**

Source: Analysis of DOJ and Social Services data and county documents.

* DOJ entered one of these reports after we received a copy of the CACI data in August 2021.

DOJ Could Not Adequately Explain Why It Failed to Enter Reports Into CACI

DOJ could not explain why it failed to enter reports into CACI because it did not track the reports it received. It also lacked policies for its process of entering information into CACI. When we discussed with DOJ the 29 reports that counties appeared to have submitted but that were not in CACI, the manager of the applicant services program over CACI background checks (applicant services manager) was not able to verify that DOJ had received all of those reports. Specifically, although the applicant services manager stated that DOJ entered one report into CACI after we obtained data for our analysis, she was unable to verify that DOJ received the other 28 reports because DOJ did not adequately track the CACI reports it received. When we showed the applicant services manager the 28 reports, she indicated that some of the reports lacked key information, such as the date of the incident, and DOJ likely would have returned these reports to the county for correction. When we

reviewed the reports, we confirmed that 15 reports were missing information DOJ had previously asserted was required. However, DOJ did not track reports that it sent back to counties. For the remaining 13 reports, the applicant services manager was not able to locate the reports and stated that DOJ might not have received them. As of April 2022, DOJ asserts that it has implemented procedures to better track reports it receives from counties. Nevertheless, because DOJ did not track the reports it received from counties or the reports it sent back to them, it was unable to verify why these reports are missing from CACI.

Further, while Contra Costa County has policies and procedures for correcting child abuse reports that DOJ returns to it, the remaining five counties we reviewed—Calaveras, Kern, Orange, Shasta, and Stanislaus—lack such policies. Thus, even if DOJ returned reports to these counties for correction, they may not have adequately addressed DOJ's concerns and sent updated reports for DOJ to add to CACI. Because of the lack of adequate policies and procedures at DOJ and some counties, many individuals have not been added to CACI, which limits its usefulness as an investigatory tool and the ability of authorized users of the database to protect children.

The Six Counties We Reviewed Did Not Always Send Reports to DOJ

For 23 of the 60 cases we reviewed, the counties did not send CACI reports to DOJ or asserted that they sent the reports but were unable to demonstrate that they had done so.

For 23 of the 60 cases we reviewed, the counties did not send CACI reports to DOJ or asserted that they sent the reports but were unable to demonstrate that they had done so. Specifically, the counties failed to submit 14 reports of substantiated allegations of child abuse to DOJ but were not always able to adequately explain why their staff did not do so. For two cases, a manager at Orange County stated that supervisors had changed the investigation disposition to *substantiated* but failed to inform the staff who were responsible for sending the reports to DOJ. In addition, a manager at Stanislaus County told us staff incorrectly identified the suspect in two reports sent to DOJ. The counties failed to submit another 10 reports that met the reporting requirements to DOJ. Therefore, individuals who should be in CACI were not added, diminishing its usefulness for protecting children.

For the nine remaining reports, the counties provided some evidence that they may have sent the reports to DOJ, but they did not maintain copies of the reports in their files, as their policies require. As a result, they could not confirm that they had sent these reports. Nevertheless, none of the reports were in CACI, which means authorized users could be uninformed about these suspects' past child abuse.

In addition to the 23 cases counties failed to send to DOJ, Calaveras and Contra Costa counties incorrectly recorded the outcomes of their investigations for five cases, but appropriately did not send CACI reports to DOJ. Specifically, Calaveras County acknowledged that it had previously instructed staff to categorize as child abuse certain cases in the CWS/CMS system in which newborns were exposed to controlled substances at birth because of their mother's substance abuse but not to report such cases to CACI. However, according to state law, a newborn's substance exposure is not in and of itself a sufficient basis for a report of child abuse. As a result of our inquiry into three of these cases, the county determined that it should have instead categorized these cases as *general neglect*, which is not reported to DOJ for inclusion in CACI. Contra Costa County also inappropriately recorded two reports as substantiated allegations of child abuse in CWS/CMS. In response to our inquiry, the county indicated that the incidents should not have been marked substantiated in CWS/CMS because the allegations were not substantiated following further review, in one case by county management and in the other case by a juvenile court. Even though CACI does not contain reports of child abuse for these cases, because the county incorrectly left the allegations marked as *substantiated* in CWS/CMS, the county inaccurately maintained negative information about the individuals in their investigation files.

As a result of our inquiry into three of these cases, the county determined that it should have instead categorized these cases as general neglect, which is not reported to DOJ for inclusion in CACI.

State Law Allows Certain Substantiated Cases of Child Abuse to Not Be Included in CACI

Finally, for the last three cases, Kern County practices provide for it to not report these substantiated cases of child abuse to CACI in accordance with state law. Kern County explained that it did not submit these reports to CACI because social workers were unable to interview the suspects, which it considers a necessary part of the investigation. For example, in one case, law enforcement was investigating the suspect for human trafficking of a minor. Although county staff were unable to speak with the suspect, due to the preponderance of evidence, they substantiated the allegations of exploitation and closed their investigation. However, because county staff did not interview the suspect, Kern County did not report the suspect to CACI. As a result of this practice, although the suspects in each of the three cases had substantiated allegations of child abuse, including sexual abuse and exploitation, Kern County did not submit the reports to CACI.

State law requires counties to report to DOJ all known allegations of child abuse for which the county has conducted an investigation and determined that the allegation is substantiated. At the same time, state law prohibits counties from sending a report to DOJ

unless it has conducted an *active investigation* and determined that the allegation is substantiated. Social Services' guidance to counties defines active investigations as including, among many other items, interviews with the suspect and victim when appropriate and if they are available. This guidance directs counties to determine whether they have completed an active investigation on a case-by-case basis in coordination with the county legal counsel. However, the guidance states that, if a county substantiates an allegation relying on the results of a law enforcement or other investigation without conducting the county's own active investigation, the county may choose to substantiate the allegation but should not refer the suspect to CACI. According to the program director of emergency response, Kern County requires staff to conduct an interview with the suspect in order to complete an active investigation. If staff members cannot interview the suspect, they may still substantiate the allegation of child abuse but will not submit a report to DOJ. Because county staff did not conduct suspect interviews for these three cases, Kern County substantiated that the suspects committed child abuse, but it did not submit the associated reports to DOJ.

Although Kern County's approach is allowed by state law and Social Services' guidance, the other five counties we reviewed typically wait for law enforcement to finish its investigation before the county concludes its investigation or reaches a conclusion based on the available evidence and then reports the suspect to CACI if it substantiates an allegation of child abuse. For example, Calaveras County indicates that staff will request that law enforcement conclude its investigation, but if necessary, staff may decide to substantiate allegations without the suspect interview, based on other evidence and with the agreement of county counsel, and then report the suspect to DOJ. However, Orange County told us that staff will typically delay closing a case until a law enforcement investigation is completed, but staff usually cooperate with law enforcement, so it is rare that a social worker cannot interview the perpetrator and has to close the case without the interview.

Because counties can substantiate certain allegations of child abuse and not report the suspects to CACI, which state law currently permits, CACI's effectiveness in protecting children is limited. When a county substantiates an allegation of child abuse, the county has determined that it is more likely than not that the child abuse occurred. However, authorized users may be unaware of this determination if the suspect is not reported to CACI. As a result, authorized users may unknowingly allow individuals with a history of substantiated child abuse to have access to children.

State law is limiting CACI's effectiveness in protecting children and authorized users may unknowingly allow individuals with a history of substantiated child abuse to have access to children.

CACI Incorrectly Identifies Some Individuals as Having a History of Child Abuse

We identified 298 reports of child abuse in CACI that were not supported by the corresponding county records.

CACI erroneously contains some reports of child abuse that are not substantiated, which could lead to DOJ informing an authorized user that an individual is a perpetrator of child abuse when he or she has no associated report of substantiated child abuse. As a result, this erroneous information may limit that person's employment or opportunity to care for children. In fact, we identified instances in which DOJ informed authorized users that individuals were a possible match with someone in CACI based on inaccurate information. For the four years ending June 2021, we identified 298 reports of child abuse in CACI that were not supported by the corresponding county records. Because these reports were in CACI, DOJ sent 25 letters to authorized users notifying them that individuals were a possible match with a known child abuse suspect.[4] As we discuss in the Introduction, state law requires the authorized user to follow up with the relevant county CWS agency for additional information, which could mitigate the impact of these errors. Additionally, according to DOJ, it informs individuals when it sends certain letters to authorized users of a possible match to a known child abuse suspect in CACI. However, even if the authorized user performs this follow-up, or the individual requests a grievance hearing to remove his or her erroneous information from CACI, the individual's employment or opportunity to care for children may be inappropriately denied or delayed.

We followed up on a sample of cases in CACI that were not supported by CWS/CMS records and found data inaccuracies in CWS/CMS as well as failures in the counties' and DOJ's processes. Specifically, for the 298 CACI reports, 24 were from the six counties we reviewed. We followed up with these six counties on all 24 reports in CACI that were not supported by CWS/CMS records. For three of those reports, we found that the counties had not recorded the cases as substantiated reports of child abuse in CWS/CMS even though investigators had substantiated the cases. However, the county subsequently submitted these three reports to DOJ and CACI appropriately reflected that the individuals had a history of child abuse. In three separate instances, the counties incorrectly submitted reports to DOJ about allegations of child abuse that did not meet the CACI reporting requirements. For example, Orange County investigated a mother and substantiated an allegation of general neglect of her children that, under state law, should not have been reported to DOJ for inclusion in CACI.

[4] As discussed earlier, we also analyzed data for expedited background checks for the period preceding when we received CACI data in August 2021. We found that DOJ responded to an expedited request related to one individual who had a report of child abuse in CACI that was not supported by county records. As a result, DOJ may have inappropriately sent an expedited response letter indicating that the individual was a possible match with a known child abuse suspect in CACI.

In another four instances, the counties sent DOJ amended information to remove individuals from CACI, but DOJ failed to remove them. For example, Stanislaus County updated a sexual abuse allegation from *substantiated* to *inconclusive* as a result of a grievance hearing. Although the county sent DOJ both an amended CACI report and a request to remove the individual from CACI, DOJ failed to do so. As we discuss in the next section, this oversight may have occurred because DOJ did not have policies or procedures for the manual deletion of records. It also did not track requests for removals and did not have a process for verifying that removals are appropriate or complete.

For the final 14 reports, the counties amended the outcomes of their investigations so that they were no longer *substantiated*, but they failed to update DOJ and request that DOJ remove the individuals' reports from CACI. For example, Shasta County substantiated a mother's alleged physical abuse of her son and submitted a CACI report to DOJ. However, the county then held a grievance hearing and changed the conclusion to *inconclusive*. Although the county changed the conclusion in CWS/CMS, it could not demonstrate that it sent a request to DOJ asking it to remove the record from CACI. In fact, the mother's record remained in CACI in error.

We also reviewed the policies and procedures for conducting CACI grievance hearings at the six counties to determine whether they conform to the laws and regulations requiring a hearing of objections to a suspect's listing in CACI. Although we found that the counties generally adhere to those laws and regulations, we identified areas where some county polices do not meet these requirements. Specifically, three of the six counties—Contra Costa, Kern, and Stanislaus—do not have a policy allowing the suspect to challenge the impartiality of the grievance review officer. State regulations require that counties allow suspects to request the grievance review officer be disqualified on the grounds that a fair and impartial hearing cannot be held or a decision cannot be rendered. In addition, two of the six counties, Orange and Stanislaus, do not have a policy requiring that confidential evidence be returned to the county when the county provides a suspect with such evidence before a grievance hearing, which could result in the inappropriate release of sensitive or confidential information regarding the investigation. Finally, we found that three of the six counties—Calaveras, Contra Costa, and Shasta—lack policies for removing individuals from CACI if a grievance hearing determines that the allegations should not be substantiated. When CACI contains records of child abuse that are not accurate, individuals may be unjustifiably denied opportunities to care for children, such as obtaining employment at a child care center or adopting a child, or the individual may be inappropriately delayed from caring for children while the results of a grievance hearing are transmitted to DOJ.

When CACI contains records of child abuse that are not accurate, individuals may be unjustifiably denied opportunities to care for children.

DOJ Lacks Adequate Controls for Ensuring That CACI Contains Accurate and Appropriate Records

We identified more than 36,000 records for suspects that did not have a recorded date of birth, which prevents DOJ from removing certain records from CACI, as required by state law.

DOJ's inadequate system controls have resulted in CACI containing significant errors. In our electronic analysis of CACI data, we identified more than 36,000 records for suspects that did not have a recorded date of birth. CACI suspect records that lack a date of birth prevent DOJ from performing an important responsibility under state law. Specifically, state law requires DOJ to remove suspects from CACI when the suspect reaches 100 years of age or when the suspect was a minor at the time of the incident and has had no subsequent CACI reports for 10 years. To address this removal requirement, DOJ developed daily automated processes in CACI to remove suspects who meet these requirements. However, when we reviewed these automated processes, we found that they only consider suspect records that have a valid date of birth. As a result, the 36,000 suspects with CACI records that do not contain a valid date of birth would never be removed from CACI without county or DOJ action to correct their records. Upon further inquiry, we determined that CACI lacked sufficient controls to ensure that staff enter all necessary information, including a suspect's date of birth. After bringing this issue to its attention, DOJ modified the CACI system to require the suspect's date of birth when entering new reports of child abuse into CACI. Further, the applicant services manager stated that DOJ is also developing a plan to address the 36,000 suspect records without a date of birth, and, as of April 2022, its efforts were ongoing.

Further, DOJ cannot ensure that it appropriately removed records from CACI because it did not have policies or procedures for the manual deletion of records and its process lacked key controls. In addition to CACI's automated processes for removing certain suspects' records, DOJ also performs manual deletion of records at the request of counties when the county later determines that a report is not substantiated. However, this task has been performed independently by a single DOJ staff member, and DOJ did not have a process to verify that these deletions were appropriate. DOJ also did not notify the county that it had made the requested deletions unless the county specifically requested a notification. According to DOJ, as of April 2022, it requires supervisory approval before deleting CACI reports. However, because it only recently implemented this review, DOJ is unable to demonstrate that it has deleted all records as requested or that the more than 8,000 records it manually deleted as of August 2021 were appropriately removed.

Legislative Action Is Needed to Fix the State's Error-Prone and Inefficient Process for Entering Data Into CACI

The State updates CACI using an outdated and inefficient process, which allows errors and omissions to persist undetected. Additionally, the process contains an inherent lag between when a county mails a report of child abuse to DOJ and when DOJ enters that suspect's information into CACI. In fact, we found that it typically takes 28 days from the date that counties complete a report of child abuse to the date that DOJ enters the report into CACI. As a result of this lag time, an authorized user could request a background check on an individual and DOJ could report that the individual is not in CACI even if a county had substantiated an allegation of child abuse against that individual. Legislative action could improve this process by amending state law to grant DOJ direct access to the CWS/CMS system that county CWS agencies use to record the results of their child abuse investigations.

The State's Outdated and Inefficient Process Allows Errors and Omissions to Go Undetected

The State's process for updating CACI contains multiple steps where errors and omissions can occur and go undetected. In particular, the CACI process requires that counties print paper reports from CWS/CMS and mail them to DOJ, after which DOJ staff manually enter these reports into CACI. Additionally, if the reports are missing information, DOJ mails the reports back to counties to provide the missing information, and then the counties mail them back to DOJ. However, DOJ did not track the reports it sent back for correction.

We found numerous errors in nearly every phase of the CACI process.

As we discuss above, we found numerous errors in nearly every phase of the CACI process. For example, we reviewed 60 reports of child abuse and found that counties failed to send at least 14 reports they should have sent to DOJ. As we explained previously, this failure results in suspects with a history of substantiated child abuse not being added to CACI, reducing its usefulness in protecting children from individuals with a history of child abuse. We also identified individuals listed in CACI whose reports should have been removed, but the counties failed to ask DOJ to do so even though they had determined that the allegations were no longer substantiated. In addition, DOJ could not account for 28 missing reports that counties indicated they had sent for inclusion in CACI because DOJ did not have a process for identifying whether it received and input reports into CACI. Finally, we found accuracy errors in CACI, such as a lack of a date of birth for many suspects, misspellings of suspects' names, and incorrect investigation reference numbers, which can hinder DOJ's ability to quickly and reliably respond to CACI background checks.

If the current process worked as designed, the reports in CACI would match the investigated, substantiated reports of child abuse in CWS/CMS. But as we previously discussed, the number of reports in CACI is less than half of the number of substantiated investigations of child abuse statewide in CWS/CMS for the four-year period ending June 2021. Further, we identified 298 individuals with reports in CACI that are not supported by information in the county records.

Updating CACI takes far longer than necessary, and its outdated and inefficient process increases the risk that DOJ is providing inaccurate information to authorized users.

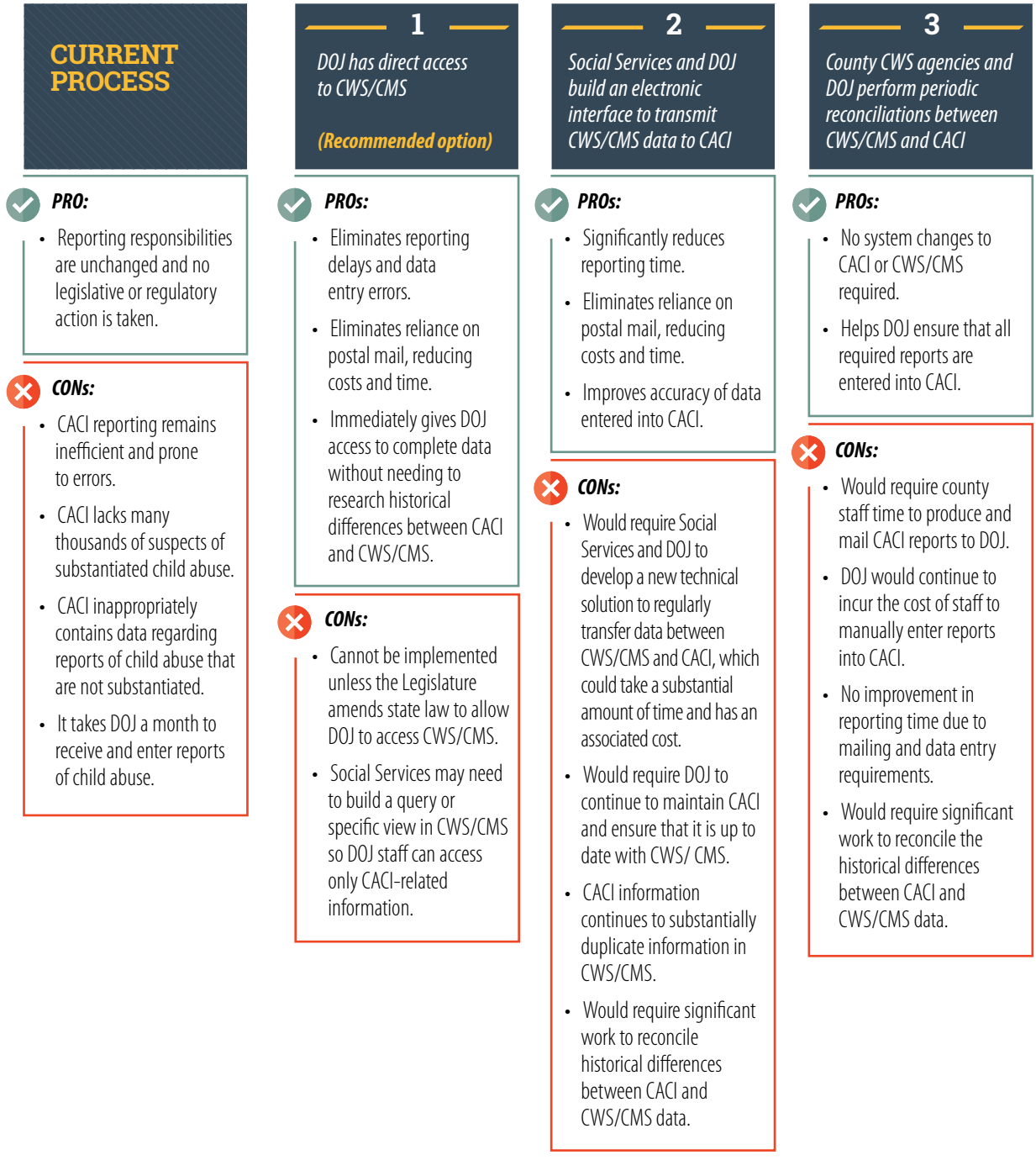
In addition, because the process is outdated and inefficient, updating CACI takes far longer than necessary and increases the risk that DOJ is providing inaccurate information to authorized users. For example, DOJ's requirement for using physical mail and its manual data entry process cause unnecessary delays in adding information to CACI, and the DOJ's manual entry of reports greatly introduces the risk of errors. Specifically, it typically takes 28 days from the date that counties complete a child abuse report to the date that DOJ enters the report into CACI. During this time lag, which is inherent to the current process, an authorized user may request a background check for a suspect not yet entered into CACI, and DOJ would respond that the suspect is not in CACI. DOJ may still be able to notify an authorized user after later receiving a report of a suspect whom the authorized user has employed or allowed to have access to children. However, the delay would have prevented the authorized user from identifying information in a timely manner that could affect the user's decision to allow the individual to care for children. Although it occurs less frequently, the same mailing and data entry time lag may occur when counties request that DOJ remove reports from CACI, leaving individuals in the database when they no longer have substantiated allegations of child abuse.

DOJ has maintained this process of using physical mail even though the Legislature amended state law in 2000 to clarify that CACI reports may be sent by fax or electronic submission. According to the applicant services manager, in 2017 DOJ worked with CWS/CMS staff to develop an electronic submission process for CACI reporting, but this effort was not successful. However, she stated that, as of March 2022, DOJ and CWS/CMS staff have renewed discussions about transferring data electronically.

Legislative Action Is Necessary to Improve CACI Reporting

The CACI process must be improved in order to resolve current and future errors. As shown in Figure 3, although we identified three options for improving the CACI process, we recommend that DOJ have direct access to CWS/CMS as the most efficient option. Without major changes and legislative action, the issues we identified will likely persist and pose a significant challenge to CACI's ongoing usefulness in protecting children from abuse.

Figure 3
Comparison of Options for Improving CACI Reporting


CURRENT PROCESS
PRO:
Reporting responsibilities are unchanged and no legislative or regulatory action is taken.
CONs:
CACI reporting remains inefficient and prone to errors.
CACI lacks many thousands of suspects of substantiated child abuse.
CACI inappropriately contains data regarding reports of child abuse that are not substantiated.
It takes DOJ a month to receive and enter reports of child abuse.
1
DOJ has direct access to CWS/CMS
(Recommended option)
PROs:
Eliminates reporting delays and data entry errors.
Eliminates reliance on postal mail, reducing costs and time.
Immediately gives DOJ access to complete data without needing to research historical differences between CACI and CWS/CMS.
CONs:
Cannot be implemented unless the Legislature amends state law to allow DOJ to access CWS/CMS.
Social Services may need to build a query or specific view in CWS/CMS so DOJ staff can access only CACI-related information.
2
Social Services and DOJ build an electronic interface to transmit CWS/CMS data to CACI
PROs:
Significantly reduces reporting time.
Eliminates reliance on postal mail, reducing costs and time.
Improves accuracy of data entered into CACI.
CONs:
Would require Social Services and DOJ to develop a new technical solution to regularly transfer data between CWS/CMS and CACI, which could take a substantial amount of time and has an associated cost.
Would require DOJ to continue to maintain CACI and ensure that it is up to date with CWS/ CMS.
CACI information continues to substantially duplicate information in CWS/CMS.
Would require significant work to reconcile historical differences between CACI and CWS/CMS data.
3
County CWS agencies and DOJ perform periodic reconciliations between CWS/CMS and CACI
PROs:
No system changes to CACI or CWS/CMS required.
Helps DOJ ensure that all required reports are entered into CACI.
CONs:
Would require county staff time to produce and mail CACI reports to DOJ.
DOJ would continue to incur the cost of staff to manually enter reports into CACI.
No improvement in reporting time due to mailing and data entry requirements.
Would require significant work to reconcile the historical differences between CACI and CWS/CMS data.

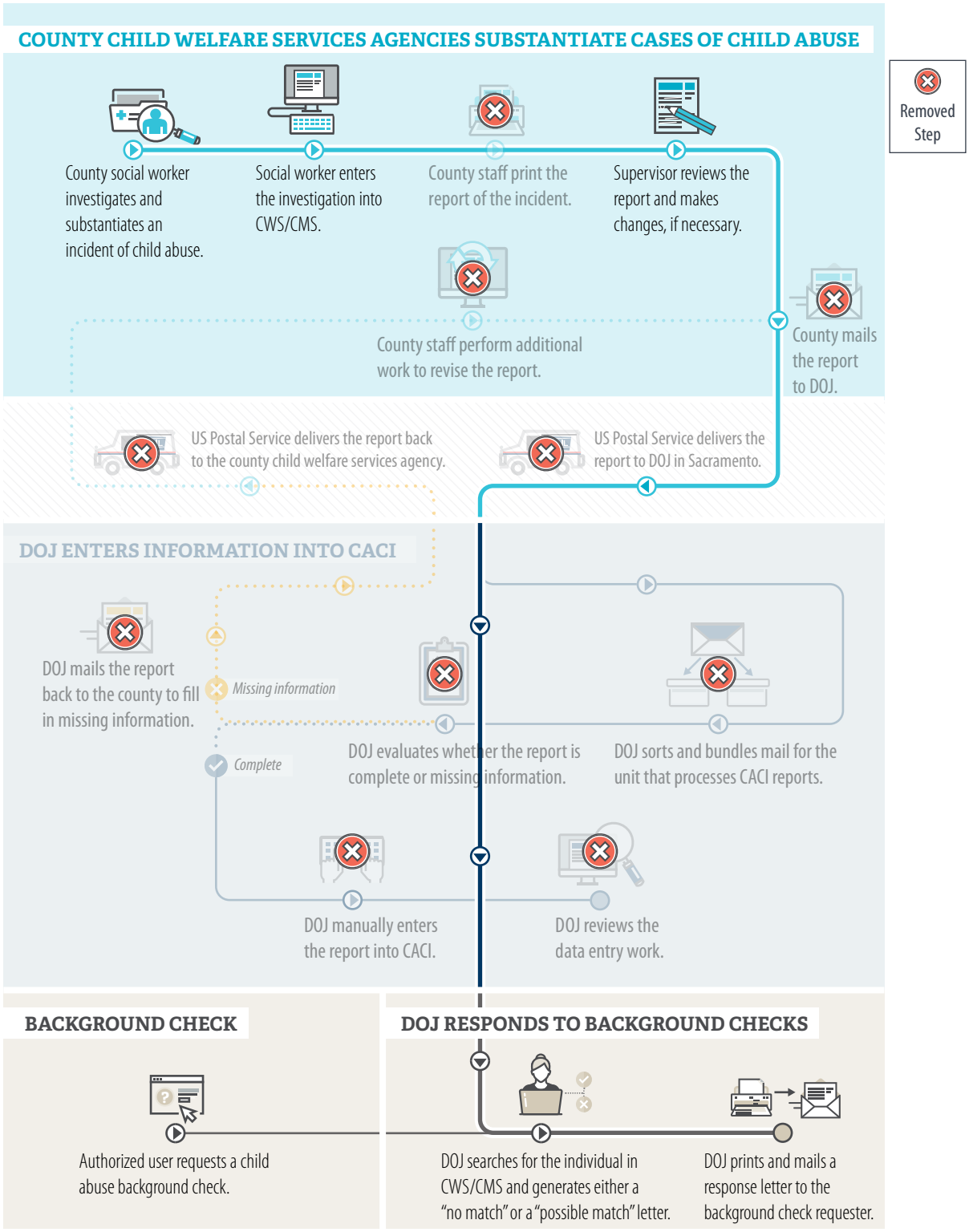
Source: State Auditor analysis.

It would be more efficient for DOJ to have direct access to CWS/CMS for responding to CACI-related inquiries and simply eliminate the cumbersome and ineffective CACI reporting process.

Existing state law requires DOJ to act as the repository of CACI reports and requires a process for counties to submit reports of child abuse to DOJ. As we previously explained, with few exceptions, CACI should reflect all child abuse cases substantiated by county CWS agencies. Because these agencies enter substantiated cases of child abuse into CWS/CMS, we believe it would be more efficient for DOJ to have direct access to this system for responding to CACI-related inquiries and simply eliminate the cumbersome and ineffective CACI reporting process, as shown in Figure 4. This direct access would not only remove the problems of inaccurate data entry and missing reports in CACI, it would also remove the inherent reporting lag between a county's substantiation of child abuse and DOJ's entry of that information into CACI. Additionally, removing these reporting tasks could save DOJ staff an estimated $94,000 annually, based on its current workload, because staff would no longer need to transcribe and review reports. Further, the six counties we reviewed estimate that they would collectively save $35,000 annually because county staff would no longer need to prepare, review, and mail the CACI reports. However, because CWS/CMS contains more information than DOJ needs for responding to CACI background checks, such as allegations of child abuse that are not substantiated or substantiated cases involving minor suspects who have had no subsequent CACI reports for 10 years, DOJ would likely need to work with Social Services to determine how to identify only the information it needs for CACI reporting. Solutions for limiting the information DOJ has access to could include CACI-specific queries of CWS/CMS and training DOJ staff to navigate and interpret CWS/CMS information.

A second option for addressing the problems we found with CACI is to have new reports of child abuse submitted electronically by transferring data from CWS/CMS to CACI. This option could ensure that data in CACI is accurate and would reduce the reporting delays. However, it would require Social Services and DOJ to develop a technical solution to transfer the data—which could take a substantial amount of time and have an associated cost. According to Social Services' child welfare system branch chief, Social Services would not implement the solution until it begins using a new child welfare system beginning in fall 2023. In addition, this solution would require DOJ to maintain CACI and ensure its ongoing accuracy and completeness. Further, DOJ would have to work with Social Services and the counties to resolve the current significant gap we found in recorded cases between CWS/CMS and CACI. In addition, if this solution were implemented completely and accurately, CACI data would substantially duplicate information in CWS/CMS. However, these efforts would be unnecessary if DOJ were able to access CWS/CMS directly.

Figure 4
Recommended Revision to CACI Process


COUNTY CHILD WELFARE SERVICES AGENCIES SUBSTANTIATE CASES OF CHILD ABUSE
Removed Step
County social worker investigates and substantiates an incident of child abuse.
Social worker enters the investigation into CWS/CMS.
County staff print the report of the incident.
Supervisor reviews the report and makes changes, if necessary.
County staff perform additional work to revise the report.
County mails the report to DOJ.
US Postal Service delivers the report back to the county child welfare services agency.
US Postal Service delivers the report to DOJ in Sacramento.
DOJ ENTERS INFORMATION INTO CACI
DOJ mails the report back to the county to fill in missing information.
Missing information
Complete
DOJ evaluates whether the report is complete or missing information.
DOJ sorts and bundles mail for the unit that processes CACI reports.
DOJ manually enters the report into CACI.
DOJ reviews the data entry work.
BACKGROUND CHECK
Authorized user requests a child abuse background check.
DOJ RESPONDS TO BACKGROUND CHECKS
DOJ searches for the individual in CWS/CMS and generates either a "no match" or a "possible match" letter.
DOJ prints and mails a response letter to the background check requester.

Source: State regulations, county policies, and interviews with staff at DOJ and Calaveras, Contra Costa, Kern, Orange, Shasta, and Stanislaus counties.

A third option that would reduce the errors in the current process is to establish a reconciliation process. In this option, Social Services would provide a regular and timely report from CWS/CMS to each county and to DOJ that lists the reports that each county substantiated and should have submitted to CACI. DOJ and the counties would then reconcile these reports against CACI data to determine whether the counties sent all required reports, and whether DOJ received and entered all reports. This reconciliation process would require the fewest technical changes to existing systems. However, it would not reduce the inefficiencies inherent in sending the reports by U.S. mail or those caused by counties needing to resubmit reports that are missing required information. Moreover, it would not reduce the resource-intensive and error-prone task of manually entering reports into CACI. The reconciliation process would also create additional costs in staff time for both DOJ and the counties. Finally, DOJ and the counties would still need to complete a significant amount of work to reconcile the already known discrepancies between the two systems.

However, because counties and DOJ need to take immediate action to correct CACI in order to protect children, we believe that this third option is a necessary interim solution. Establishing DOJ's access to CWS/CMS or developing a data transfer mechanism from CWS/CMS to CACI would require legislative or system changes that would take time to implement. Therefore, until a permanent solution is implemented, Social Services and DOJ should implement a reconciliation process to ensure that counties appropriately submit substantiated reports to DOJ and that DOJ enters all these reports into CACI.

Please refer to the section beginning on page 3 to find the recommendations that we have made as a result of these audit findings.

We conducted this performance audit in accordance with generally accepted government auditing standards and under the authority vested in the California State Auditor by Government Code section 8543 et seq. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on the audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Respectfully submitted,

MICHAEL S. TILDEN, CPA
Acting California State Auditor

May 31, 2022

Appendix A

Statewide Statistical Information in CACI

The scope and objectives of this audit requested specific statistics related to the CACI data. We present those statistics in the following tables. However, CACI does not contain more than half of the reports recorded in CWS/CMS statewide for the period of July 1, 2017, through June 30, 2021, as we describe in this report. Specifically, we found that CACI did not contain 27,000 reports of substantiated child abuse that were recorded in CWS/CMS. Further, we did not assess the completeness of the CACI data outside of this four-year period.

Table A.1
CACI Reports of Child Abuse and Persons Listed on Those Reports From January 1997 to June 2021

COUNTY	NUMBER OF REPORTS	NUMBER OF SUSPECTS	NUMBER OF VICTIMS	NUMBER OF OTHER INDIVIDUALS REFERENCED IN THESE REPORTS*
Alameda	5,773	5,773	7,014	8,176
Alpine	14	14	16	11
Amador	129	129	171	255
Butte	3,349	3,349	3,992	4,906
Calaveras	624	624	798	869
Colusa	121	121	155	163
Contra Costa	3,940	3,940	4,969	6,155
Del Norte	428	428	522	754
El Dorado	1,084	1,084	1,313	1,888
Fresno	5,988	5,988	7,597	11,127
Glenn	555	555	683	1,095
Humboldt	1,732	1,732	2,132	2,849
Imperial	838	838	1,202	873
Inyo	469	469	547	883
Kern	8,698	8,698	10,853	14,533
Kings	1,628	1,628	1,928	2,291
Lake	311	311	367	518
Lassen	622	622	770	639
Los Angeles	69,506	69,506	91,075	84,960
Madera	2,171	2,171	2,652	3,656
Marin	1,037	1,037	1,237	1,449
Mariposa	166	166	208	312
Mendocino	1,480	1,480	1,818	1,945
Merced	2,777	2,777	3,604	3,824

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COUNTY	NUMBER OF REPORTS	NUMBER OF SUSPECTS	NUMBER OF VICTIMS	NUMBER OF OTHER INDIVIDUALS REFERENCED IN THESE REPORTS*
Modoc	296	296	329	382
Mono	119	119	138	241
Monterey	3,315	3,315	4,045	4,816
Napa	736	736	823	1,297
Nevada	514	514	587	528
Orange	45,409	45,409	57,228	90,546
Placer	4,159	4,159	5,448	4,260
Plumas	592	592	693	464
Riverside	15,287	15,287	19,191	21,755
Sacramento	10,518	10,518	13,852	14,318
San Benito	886	886	1,057	954
San Bernardino	22,497	22,497	28,133	29,311
San Diego	37,142	37,142	52,803	53,353
San Francisco	2,744	2,744	3,231	3,990
San Joaquin	7,160	7,160	8,823	12,921
San Luis Obispo	2,312	2,312	3,004	3,101
San Mateo	3,024	3,024	3,533	3,469
Santa Barbara	3,673	3,673	4,408	8,047
Santa Clara	7,245	7,245	8,651	7,573
Santa Cruz	2,424	2,424	3,151	3,537
Shasta	2,562	2,562	3,542	5,236
Sierra	16	16	22	18
Siskiyou	629	629	795	1,075
Solano	3,184	3,184	3,694	5,055
Sonoma	3,167	3,167	3,783	4,043
Stanislaus	5,449	5,449	6,680	11,532
Sutter	613	613	756	901
Tehama	351	351	434	632
Trinity	141	141	179	265
Tulare	1,493	1,493	1,721	2,428
Tuolumne	944	944	1,143	1,422
Ventura	4,996	4,996	6,091	8,676
Yolo	1,137	1,137	1,358	1,602
Yuba	992	992	1,212	1,459
Totals	**309,166**	**309,166**	**396,161**	**463,338**

Source: DOJ's CACI database as of August 16, 2021.

Note: This table counts suspects, victims, and other individuals each time they are listed on a report.

* This category includes individuals listed on child abuse reports who were not identified as the suspect or the victim, such as siblings who were not abused.

Table A.2
CACI Reports Submitted Before January 2005

COUNTY	NUMBER OF REPORTS BEFORE JANUARY 2005
Alameda	18,423
Alpine	29
Amador	223
Butte	5,022
Calaveras	1,034
Colusa	218
Contra Costa	12,305
Del Norte	1,412
El Dorado	1,117
Fresno	16,567
Glenn	730
Humboldt	3,074
Imperial	1,618
Inyo	512
Kern	17,229
Kings	1,854
Lake	725
Lassen	997
Los Angeles	127,072
Madera	2,795
Marin	2,516
Mariposa	178
Mendocino	2,209
Merced	2,623
Modoc	216
Mono	112
Monterey	5,599
Napa	672
Nevada	1,219
Orange	79,982
Placer	3,518
Plumas	1,193
Riverside	22,740
Sacramento	26,049
San Benito	794
San Bernardino	40,413
San Diego	45,348
San Francisco	6,337
San Joaquin	10,907

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COUNTY	NUMBER OF REPORTS BEFORE JANUARY 2005
San Luis Obispo	4,830
San Mateo	6,871
Santa Barbara	2,860
Santa Clara	19,976
Santa Cruz	3,807
Shasta	1,638
Sierra	65
Siskiyou	964
Solano	5,959
Sonoma	6,704
Stanislaus	14,426
Sutter	1,231
Tehama	1,033
Trinity	72
Tulare	5,454
Tuolumne	1,299
Ventura	12,479
Yolo	1,650
Yuba	1,745
County not specified	Less than 10
Total	**558,644**

Source: DOJ's CACI database as of August 16, 2021.

Note: To maintain the confidentiality of small groups of children, we redacted groups of less than 10. Therefore, the total excludes locations with values less than 10.

Table A.3
Victims and Suspects Listed in Substantiated CACI Reports From January 1991 to December 2004

COUNTY	NUMBER OF SUSPECTS	NUMBER OF VICTIMS
Alameda	2,669	3,236
Alpine	Less than 10	Less than 10
Amador	14	29
Butte	1,816	2,195
Calaveras	177	218
Colusa	31	35
Contra Costa	2,034	2,675
Del Norte	201	258
El Dorado	276	323
Fresno	2,100	2,800
Glenn	153	173
Humboldt	714	864
Imperial	442	624
Inyo	181	203
Kern	3,472	4,526
Kings	741	887
Lake	185	224
Lassen	180	207
Los Angeles	22,027	28,016
Madera	948	1,128
Marin	203	223
Mariposa	53	72
Mendocino	728	931
Merced	901	1,123
Modoc	87	98
Mono	26	32
Monterey	1,220	1,440
Napa	293	313
Nevada	233	277
Orange	24,330	33,648
Placer	1,769	2,278
Plumas	325	372
Riverside	6,783	9,038
Sacramento	6,164	8,449
San Benito	405	471
San Bernardino	9,800	12,361
San Diego	19,291	29,373
San Francisco	963	1,084

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COUNTY	NUMBER OF SUSPECTS	NUMBER OF VICTIMS
San Joaquin	1,829	2,216
San Luis Obispo	1,248	1,705
San Mateo	1,107	1,248
Santa Barbara	1,490	1,780
Santa Clara	3,026	3,644
Santa Cruz	1,102	1,406
Shasta	543	733
Sierra	Less than 10	Less than 10
Siskiyou	281	385
Solano	1,490	1,739
Sonoma	1,399	1,660
Stanislaus	2,345	2,880
Sutter	291	359
Tehama	68	80
Trinity	12	12
Tulare	664	781
Tuolumne	495	608
Ventura	2,818	3,490
Yolo	261	319
Yuba	361	428
Totals	**132,765**	**175,677**

Source: DOJ's CACI database as of August 16, 2021.

Note: This table counts suspects and victims each time they are listed on a report. To maintain the confidentiality of small groups of children, we redacted groups of less than 10. Therefore, the totals exclude locations with values less than 10.

Table A.4
Victims and Suspects Listed in CACI Reports by Sex From January 1965 to August 2021

	NUMBER OF SUSPECTS	NUMBER OF VICTIMS
Female	231,223	506,611
Male	460,045	342,713
Unknown	22,565	20,267
Totals	**713,833**	**869,591**

Source: DOJ's CACI database as of August 16, 2021.
Note: This table counts suspects and victims each time they are listed on a report.

Table A.5
Victims and Suspects Listed in CACI Reports by Race/Ethnicity as Listed on the Report From January 1965 to August 2021

RACE/ETHNICITY	NUMBER OF SUSPECTS	NUMBER OF VICTIMS
American Indian	4,233	5,249
Asian Indian	905	1,085
Black	88,021	107,161
Cambodian	613	849
Chinese	2,493	2,852
Filipino	3,942	5,136
Guamanian	159	173
Hawaiian	629	549
Hispanic	239,838	302,046
Japanese	424	518
Korean	875	991
Laotian	629	933
Other Asian	8,507	9,941
Pacific Islander	2,856	3,125
Samoan	1,178	1,333
Vietnamese	2,750	3,480
White	286,197	354,619
Other	8,016	10,398
Unknown	61,568	59,153
Totals	**713,833**	**869,591**

Source: DOJ's CACI database as of August 16, 2021.
Note: This table counts suspects and victims each time they are listed on a report.

Table A.6
Victims Listed in CACI Reports by Age From January 1965 to August 2021

AGE RANGE	NUMBER OF VICTIMS AS OF THE DATE OF THE INCIDENT OF CHILD ABUSE
Less than 1 year old	41,916
1–2 years old	74,543
3–6 years old	204,365
7–10 years old	212,801
11–14 years old	219,065
15–17 years old	112,206
18 years old or older	621
No age recorded	2,312
Age less than zero	1,762
Total	**869,591**

Source: DOJ's CACI database as of August 16, 2021.
Note: This table counts victims each time they are listed on a report.

Table A.7
Suspects Listed in CACI Reports by Age From January 1965 to August 2021

AGE RANGE	NUMBER OF SUSPECTS AS OF THE DATE OF THE INCIDENT OF CHILD ABUSE
Less than 10 years old	628
10–18 years old	23,159
19–29 years old	220,050
30–39 years old	263,425
40–49 years old	121,921
50–59 years old	35,858
60–69 years old	10,322
70–79 years old	1,634
80–89 years old	116
Age not recorded	36,698
Illogical data	22
Total	**713,833**

Source: DOJ's CACI database as of August 16, 2021.
Note: This table counts suspects each time they are listed on a report.

Table A.8
Types of Child Abuse Reported in CACI Reports From January 1965 to August 2021

TYPE OF ABUSE OR NEGLECT	NUMBER OF REPORTS	PERCENTAGE
Mental or Emotional Suffering	110,610	14.05%
Physical Injury	374,661	47.59
Severe Neglect	61,850	7.86
Sexual Abuse, Assault, or Exploitation	235,393	29.90
Unlawful Corporal Punishment or Injury	409	0.05
Willful Harming or Endangerment	1,204	0.15
Other or Unidentified	3,150	0.40
Totals	**787,277**	**100.00%**

Source: DOJ's CACI database as of August 16, 2021.

Note: Because a report can contain multiple types of abuse or neglect, the total number of reports in this table exceeds the total number of unique reports.

Table A.9
Number of Victims and Suspects by Type of Report From January 1965 to August 2021

TYPE OF REPORT DETERMINATION	NUMBER OF SUSPECTS	NUMBER OF VICTIMS
Suspected Abuse	249,907	287,417
Substantiated Abuse	292,971	376,483
Investigation Initiated	170,955	205,691
Totals	**713,833**	**869,591**

Source: DOJ's CACI database as of August 16, 2021.

Note: This table counts suspects and victims each time they are listed on a report. While CACI contains reports with these three determinations, for the period from July 2017 through June 2021 CACI only contained, and we only evaluated, reports of *substantiated* abuse.

Table A.10
Reported Incidents Removed From the CACI by Requester From January 1965 to August 2021

ENTITY INITIATING REMOVAL	NUMBER OF REPORTED INCIDENTS REMOVED
DOJ	78,349
Reporting Agency	8,032
Not Listed	15,231
Total	**101,612**

Source: DOJ's CACI database as of August 16, 2021.

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Appendix B

Scope and Methodology

The Joint Legislative Audit Committee (Audit Committee) directed the California State Auditor to conduct an audit of CACI as administered by DOJ to determine whether CACI contains a complete and accurate set of reports of child abuse. Table B lists the objectives that the Audit Committee approved and the methods we used to address them.

Table B
Audit Objectives and the Methods Used to Address Them

	AUDIT OBJECTIVE	METHOD
1	Review and evaluate the laws, rules, and regulations significant to the audit objectives.	Reviewed and evaluated state laws and regulations, as well as state and county policies, procedures, and guidance for reporting child abuse suspects to CACI.
2	Evaluate whether CACI is an effective tool for investigatory purposes, including the extent to which reporting agencies submit accurate and complete reports of abuse and severe neglect.	• Obtained CACI and CWS/CMS data and performed analysis to match records of child abuse between the two systems for the period of July 1, 2017, through June 30, 2021. • Selected six counties—Calaveras, Contra Costa, Kern, Orange, Shasta, and Stanislaus—to review based on a number of factors, including population and number of CACI reports. • Reviewed county policies and procedures and interviewed county staff regarding CACI reporting processes. • Interviewed DOJ, Social Services, and county staff, and analyzed data to identify discrepancies between CACI data and CWS/CMS data. Reviewed associated county case files. • Reviewed CACI response letters to determine whether the letters contained the same information as recorded in CWS/CMS.
3	Determine whether DOJ has complied with state law to remove reports from CACI that do not meet minimum legal requirements.	• Interviewed DOJ staff to understand CACI's automated purge processes as well as the process of manually removing reports from CACI at the request of the reporting agency. • Reviewed source code of CACI's automated purge processes for removing suspects that meet specific legal criteria. • Reviewed county policies and procedures, and interviewed county staff regarding processes for requesting removal of reports from CACI.
4	For a selection of reporting agencies, evaluate the grievance process and determine whether the reporting agencies have adequate policies and procedures to receive and review objections to an individual's listing in CACI.	Reviewed county policies and procedures, and interviewed county staff regarding grievance hearing processes.
5	From 1997 to the present, assess whether parties complied with state law for CACI reporting requirements by determining the following: a. The number of reports DOJ received and entered into CACI by county. b. The number of individuals listed as suspects, victims, and others on these reports.	Performed electronic analysis of CACI data, and calculated numbers of reports entered into CACI and various related statistics.

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	AUDIT OBJECTIVE	METHOD
6	To the extent possible, use data from the CACI to determine the following: a. The number of records that are based on reports submitted before January 1, 2005. b. The number of victims and suspects referenced in substantiated reports submitted from 1991 to 2004. c. Demographic information for victims and suspects by age, race, and gender. d. The number and percentage of reports by the type of abuse or neglect reported. e. The number of victims and suspects included in reports of substantiated or suspected abuse or neglect. f. Whether individuals have been appropriately removed from the CACI data. Specifically, determine whether (1) individuals who were at least 100 years old have been removed, (2) suspects who were younger than 18 years old at the time of the incident have been removed if more than 10 years has passed without a subsequent report, and (3) individuals have been removed at the request of the submitting agency.	• Performed electronic analysis of CACI data, and calculated numbers of reports entered into CACI and various related statistics. • Performed electronic analysis of CACI data to identify the number of records removed from the system and the reasons for removal. • Reviewed DOJ's source code for daily automated processes to remove suspects from CACI who reach 100 years of age or were minors at the time of the incident and have had no subsequent CACI reports for 10 years. • Interviewed DOJ staff to understand CACI's automated purge processes as well as the process of manually removing reports from CACI at the request of the reporting agency.
7	Review and assess any other issues that are significant to the audit.	None identified.

Source: Audit workpapers.

Assessment of Data Reliability

The U.S. Government Accountability Office, whose standards we are statutorily obligated to follow, requires us to assess the sufficiency and appropriateness of computer-processed information that we use to support our findings, conclusions, or recommendations. In performing this audit, we relied on CACI data we obtained from DOJ and CWS/CMS data we obtained from Social Services. To evaluate the CACI data, we reviewed existing information about the data, interviewed staff members knowledgeable about the data, reviewed selected source code related to automated purges of records, and performed electronic testing of the data. For the CWS/CMS data, we performed electronic analysis to match records of child abuse between the two systems for the period of July 1, 2017, through June 30, 2021. We then performed case file reviews for a selection of records that matched between the two systems as well as a selection of records that were only found in CACI and a selection of records that were only found in CWS/CMS. Although we were able to match nearly all records in CACI to records in CWS/CMS, we found that CACI contained fewer than half of the records contained in CWS/CMS for this time period. As a result, we determined that the CACI data

were not sufficiently reliable for the purpose of determining the number and content of reports of child abuse for the period from July 1, 2017, through June 30, 2021, and the data from CWS/CMS was of undetermined reliability. Although we recognize that data limitations may affect the precision of some of the numbers we present, there is sufficient evidence in total to support our audit findings, conclusions, and recommendations.

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Calaveras Health and Human Services Agency

Cori Allen, Director

509 East St. Charles Street
San Andreas, CA 95249

May 9, 2022
Michael S. Tilden
Acting California State Auditor

The Child Abuse Central Index

Calaveras County strives to ensure that all substantiated cases of physical, sexual, and emotional abuse or severe neglect of a child is forwarded to the Department of Justice for inclusion in the Child Abuse Central Index. The review of Calaveras County's reporting procedures contained two recommendations, correcting the allegations for the sample of substance exposed newborns, and developing policies and procedures for the following circumstances:

- reporting all incidents of qualified substantiated child abuse for inclusion in the CACI database
- Revision and resubmission of corrected reports to DOJ
- Removal of existing CACI reports as the result of a grievance hearing or when warranted
- Tracking reports sent between the agency and DOJ, both initial and corrected.

Calaveras County has made immediate corrections to the reporting of substance-exposed newborns and these allegations are being correctly reported in the CWS/CMS case management system. Calaveras County is revising current Investigation policies to ensure accurate reporting, and all intake and investigating social workers have been trained on the correct allegations for substance-exposed newborns.

Calaveras County has made immediate corrections to the practice of reporting of substantiated allegations for inclusion in the CACI database when law enforcement involvement prevents a complete investigation from occurring. Calaveras County is revising current Investigation policies to ensure accurate reporting

Additionally, the 3 cases that were reviewed have been corrected to be categorized as general neglect. Of the additional 6 cases reviewed, corrected and initial BIC8583 documents have been submitted to DOJ to correct missing data and to report any suspects that were not previously reported. As of now and as a policy going forward, all BIC 8583 documents will be scanned into the CWS/CMS system to maintain an accurate record of reports sent to DOJ, which will specify the date of mailing. Any additional documents received from DOJ or revisions as a result of a grievance hearing will be scanned into the CWS/CMS system for record keeping in addition to the hard copy file that is kept at the county office.

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Calaveras Health and Human Services Agency

Cori Allen, Director

509 East St. Charles Street
San Andreas, CA 95249

Formal policy and procedures is an area of focus for Calaveras County. Calaveras County experienced a recent change in Child Welfare management. With this change, policies and procedures are being revised to create a consistent process for all employees. Calaveras County will develop formal policies and procedures to address reporting requirements, revision and resubmission of reports, removal of existing CACI reports as the result of grievance hearings and to include tracking of reports exchanged between the county and DOJ on or before July 2022. We in Calaveras County thank the Auditor team who conducted this thorough and meaningful review of our processes. Due to the efforts of so many, we are on track to maintaining accurate and complete CACI records on all cases.

Mayle Johnson, HHSA Deputy Director

Cori Allen, HHSA Director

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May 10, 2022

Michael S. Tilden, CPA*
Acting California State Auditor
621 Capitol Mall, Suite 1200
Sacramento, CA 95814

Re: Draft Audit Report - California State Auditor Report 2021-112; The Child Abuse Central Index

Dear Mr. Tilden,

The Department of Justice (DOJ) appreciates the opportunity to provide comments to the above-mentioned draft audit report. Our copy of the draft report contains only the portions that refer directly to the DOJ. Accordingly, we respectfully offer the below comments which are limited to those excerpts.

The DOJ would like to provide additional information with respect to the Child Abuse Central Index (CACI). As a law enforcement agency, the DOJ agrees wholeheartedly that children must be protected. And the DOJ has a long history of protecting individuals' rights.

It is disheartening that some of the draft report's assertions suggest otherwise. The DOJ strongly disagrees with these assertions, which appear to stem from the draft report incorrectly overstating and inflating the DOJ's statutory role as to CACI and omitting important factual context. Under state law, the DOJ **"shall act only as a repository of [the] reports"** and to ensure that the CACI **"accurately reflects the report it receives from the submitting agency."** (Pen. Code, § 11170, subd. (a)(2); Cal. Code of Regs., tit. 11, § 901, subd. (a) [emphasis added].) We suggest that providing this additional information in the report would be beneficial to the public's understanding of CACI. ①

Only county welfare departments have the specific statutory duty to submit reports to DOJ after conducting an active investigation and substantiating reports of child abuse and severe neglect. (Pen. Code, § 11169, subd. (a) and (b).) When submitting these reports, the county welfare departments must use the CACI 8583 form. (Pen. Code, § 11169, subd. (a); Cal. Code of Regs., tit. 11, § 901.) Only complete CACI 8583 forms will be accepted by DOJ and entered into CACI. (Cal. Code of Regs., tit. 11, § 902, subd. (a).)

* California State Auditor's comments begin on page 55.

Incomplete forms will be returned to the submitting agency and it is the responsibility of the submitting agency to resubmit a complete form. (*Ibid.*) This is because "[t]he submitting agencies are responsible for the accuracy, completeness, and retention of the reports." (Pen. Code, § 11170, subd. (a)(2); Cal. Code of Regs., tit. 11, § 901, subd. (a).) The DOJ acknowledges the issues and understands the concerns raised in the report. It also supports efforts to improve the effectiveness CACI. But the DOJ can only include information in CACI if the county welfare departments first comply with their legal and regulatory obligations to submit complete reports for inclusion in CACI. Again, DOJ
① requests that the report emphasize that DOJ can only enter reports into CACI if the county welfare departments submit properly completed reports and submit them to the DOJ.

BACKGROUND OF CACI

The DOJ "maintains an index of all reports of child abuse and severe neglect submitted pursuant to Penal Code section 11169." (Pen. Code, § 11170, subd. (a)(1).) This index is known as CACI. California has collected this information since 1965 and CACI is now governed by the Child Abuse and Neglect Reporting Act (CANRA), codified at Penal Code sections 11164 through 11174.3. CANRA mandates that certain classes of individuals must report instances of suspected child abuse or neglect to law enforcement or county welfare departments. (Pen. Code, § 11165.9.) But, as discussed above, the county welfare departments bear the burden of conducting the investigation, determining whether a report is substantiated, and submitting the complete report to the DOJ for inclusion in CACI. (Pen. Code, § 11169, subd. (a) and (b); Cal. Code of Regs., tit. 11, § 901, subd. (a); Cal. Code of Regs., tit. 11, § 902, subd. (a).)

Similarly, if a county welfare department makes any changes to a report, such as changing a previous finding of substantiated abuse or misplacing an underlying report, the agency must report these changes to the DOJ so that it can update CACI and remove the reported individual from CACI. (Pen. Code, § 11169, subd. (a); Cal. Code of Regs., tit. 11, § 901, subd. (b) and (d).)

THE DOJ'S ROLE REGARDING THE INCLUSION OF INFORMATION IN CACI

② The only responsibility CANRA places on DOJ with respect to CACI is to serve as the repository of the CACI reports and to ensure that the CACI accurately reflects the reports it receives from the submitting agencies. (Pen. Code, § 11170, subd. (a)(2); Cal. Code of Regs., tit. 11, § 901, subd. (a) [emphasis added].) In order for the DOJ to maintain the repository, the DOJ is completely reliant on the county welfare departments submitting to the DOJ: a properly completed CACI 8583 for all initial submissions; any subsequent notifications regarding a prior report; and a notification when the agency no longer has the report. Consistent with applicable law and regulations, the DOJ also relies on the county welfare departments to resubmit any returned incomplete reports. In other

words, only after the county welfare departments have submitted a properly completed CACI 8583 can DOJ include the information in CACI.

Ignoring why there may be legitimate reasons for differences between the number of reports in the Child Welfare Services/Case Management System (CWS/CMS) the audit report concludes that there are 27,000 reports in the CWS/CMS that are not in CACI and should be, and an additional 298 reports that are no longer substantiated in CWS/CMS and should not be in CACI. In this discussion, the draft audit report improperly implies that the DOJ received these reports and took no action to update CACI accordingly, despite the more likely scenario that DOJ did not receive properly completed report forms from the counties. Of the 27,000 reports, the auditors reviewed 29 reports with DOJ that the CWS/CMS indicated were sent to the DOJ but were not reflected in CACI. Of these 29 reports, 15 were incomplete and missing information, in violation of the county welfare departments' responsibilities under both state law and regulations. Consistent with state regulations, the DOJ would have returned the reports for the agency to provide the missing information because only properly completed reports from the counties will be entered into CACI. Of the remaining 14 reports, the DOJ received one report and had entered it in CACI under its normal processing. But, the state auditors' access to the entries in CACI preceded this report's receipt and entry. There were an additional 13 reports the DOJ did not possess. ③

As a result of this review, it is highly likely the reports were returned to the county to provide missing information *OR* were never received, rather than the DOJ having received them and never entering them. The review of the sampled reports as described above does not support the draft report's faulty assumptions. ④

THE DOJ'S ROLE REGARDING REQUESTS FOR INFORMATION IN CACI

Since the DOJ maintains CACI, it is also responsible for providing information in CACI to authorized entities conducting a CACI background checks. (Pen. Code, § 11170.) But the DOJ can only provide responses based on what is in CACI. If the county welfare departments never provide the DOJ with a complete report, CACI would not reflect that information. And any responses to requests for CACI background checks would reflect either the absence of the report or the no longer substantiated report. DOJ also provides subsequent notifications to authorized entities if there is a change in what had been previously provided if it receives new or changed information.

After release of the draft report and before release of the final report, the audit team is working to provide DOJ and Department of Social Services (DSS) with the relevant information that will enable the DOJ to better understand the numbers that the audit team references in its report, potentially further improve CACI, and provide any necessary updated responses identified in the report. The DOJ appreciates the audit team providing

(5) the DOJ this important information. Once it receives the critical information from the audit team, DOJ will begin the critical validation process working with DSS to reconcile its reports for inclusion in CACI, or those that should be removed, and DOJ will respond to the background checks accordingly. Indeed, the draft report recognizes that once DOJ was provided with information for one such individual, it took action by working with the county and providing a subsequent letter to the authorized entity.

We understand that DSS has technology limitations that has hampered its ability to provide data to DOJ. Since the CWS/CMS does not directly interface with the DOJ's CACI, the counties are precluded from directly submitting the reports electronically to CACI. The DOJ looks forward to any efforts by the Legislature to implement a technology solution.

CACI AND CWS/CMS ARE TWO DIFFERENT SYSTEMS WITH DIFFERENT INFORMATION

(6) The DOJ is unsure whether the auditors considered that differences between CACI and CWS/CMS regarding the 27,000 reports may exist because information maintained by county welfare departments involve abuse and neglect that may not fit the criteria to be entered into CACI for several legitimate reasons:

- Counties may have substantiated reports for "general neglect" under CANRA, but that information is not reportable to DOJ. (Compare Pen. Code, § 11165.2 with Pen. Code, § 11169, subd. (a).)

- Counties may enter reports of substantiated abuse in their database, where another agency other than the county welfare department, like a law enforcement agency, conducted the investigation and determined the abuse was substantiated. These reports cannot be submitted to CACI. Indeed, the DSS specifically advised counties that reporting allegations substantiated by a law enforcement agency violates Penal Code section 11169, subdivision (a), unless the county welfare departments conducted their own active investigation. (See ACL 17-85 (ca.gov).) Given the statutory authority and public guidance from DSS explaining why there may be substantiated reports maintained by a county welfare department, but not in CACI, it is a glaring omission from the draft audit report that the discussion of the 27,000 reports has no reference to *whether these were both substantiated and actively investigated by the county welfare departments.*

(7)

With the above in mind, the DOJ responds to the specific findings below.

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Recommendations to the Legislature:

To better protect children when an authorized user requests a child abuse background check, the Legislature should amend state law to require DOJ to directly access and review CWS/CMS system data, which counties already use to record the results of their child abuse investigations. If the Legislature implements this change, it should no longer require counties to submit reports of child abuse to DOJ for inclusion in CACI, thus eliminating redundant efforts and reducing the risk of error.

To maximize the effectiveness of child abuse background checks in protecting children, the Legislature should amend state law to require all reports of substantiated child abuse to be included in DOJ's background checks. To protect the due process rights of individuals, the Legislature should continue to require a grievance hearing processes.

DOJ's Response

The DOJ supports the Legislature taking action to improve the effectiveness of CACI through statutory changes and increased resources. The DOJ agrees having an electronic data exchange with CWS/CMS would provide accuracy in CACI as long as the information in CWS/CMS is accurate, complete, and meets the statutory requirements for inclusion in CACI.

As an additional recommendation, because it will take time to implement any data exchange, the Legislature should amend the statutory scheme to require DSS or county welfare departments to review their CWS/CMS system before issuing any license, approving an applicant, or making a placement. These entities already have access to this information in their own CWS/CMS system and this solution will help protect vulnerable children in the interim. (8)

Before any legislative changes are enacted, DOJ will continue exploring all additional legally permissible steps it can take, along with the cooperation of the county welfare departments and DSS.

Recommendations to DOJ (9)

Until the Legislature amends state law and DOJ develops processes to use the CWS/CMS data for child abuse background checks, DOJ should do the following:

- *Immediately develop a process for responding to child abuse background checks that includes checking CACI and the list of 298 reports of child abuse that were not supported by county records, and working with Social Services to check the list of 27,000 reports of substantiated child abuse that were not contained in CACI. If the individual is on either list, DOJ should*

follow up with the relevant county to determine whether the report should be included in CACI.

DOJ's Response

The DOJ agrees. DOJ has requested that the audit team provide it with the relevant information and DOJ has already requested a data exchange with DSS to resolve any discrepancies. Once the DOJ receives the critical information from the audit team, it will begin the critical validation process working with DSS to reconcile its reports for inclusion in CACI, or those that should be removed, and DOJ will respond to the background checks accordingly. (5)

- *Collaborate with Social Services by November 2022 to identify and reconcile all reports that should have been submitted to CACI by counties. Work with counties to enter all missing reports into CACI by June 2023. This collaboration should not be limited to the reports in our four-year audit period.*

DOJ's Response

The DOJ agrees. DOJ has already started conversations with DSS regarding how DOJ can receive information electronically and reconcile any discrepancies between the information that DSS has that should also be included in CACI. These efforts are ongoing.

- *To ensure that it accurately enters all cases of child abuse it receives, by July 2022 DOJ should develop policies and to track, enter, and review all reports of child abuse it receives from the counties. Also by July 2022, DOJ should develop policies and procedures to track those reports that it sends back to counties for correction.*

DOJ's Response

The DOJ agrees. Consistent with its obligations under CANRA, the DOJ adopted implementing regulations, including the requirement that incomplete reports would be returned to the submitting agencies to be completed and then resubmitted to the DOJ. (Cal. Code of Regs., tit. 11, § 902, subd. (a).) The DOJ also had longstanding policies and procedures for training staff regarding entering and reviewing the reports it received. As recommended, these policies and procedures have been formally finalized. (10)

In its efforts to make improvements, effective April 18, 2022, the DOJ is now storing all incoming reports and tracking incomplete reports returned to the reporting agency to provide missing information. Although there is no statutory obligation

for the DOJ to track incomplete reports, the DOJ wants to ensure the integrity of CACI and therefore has begun assisting the county welfare departments in meeting their statutory and regulatory obligations. The incomplete forms are now stored for traceability and DOJ will follow-up with the contributing agency if the form is not resubmitted within thirty days. (10)

The CACI update process has an existing manual verification process, however, a higher classification is now performing the verification. Effective March 14, 2022, the DOJ implemented a manual verification process for all CACI entries, including Consolidations and Deletes. As a long-term solution, the DOJ is also working towards creating a verification queue within the CACI database to streamline this process. The estimated time to develop the automated CACI verification queue is approximately one year. (10)

- *To ensure that only appropriate records are removed from CACI, by July 2022 DOJ should develop policies and procedures related to how staff remove records from CACI. These policies and procedures should include a process to verify the deletions are appropriate.*

  DOJ's Response

  The DOJ agrees. Please see the DOJ's response to the previous recommendation.

- *To prevent omissions in CACI reporting, DOJ should develop policies and procedures, by November 2022 to reconcile CACI with monthly reports from Social Services to verify that counties have submitted-and DOJ has entered or deleted as appropriate-all reports into CACI.*

  DOJ's Response

  The DOJ agrees. DOJ has already started conversations with DSS regarding how DOJ can receive information electronically and reconcile any discrepancies between the information that DSS has that should also be included in CACI. Once the automated solution is finalized, which will allow DSS to submit data electronically, the DOJ will update its policies and procedures accordingly.

- *To ensure that authorized users have accurate and complete information, by July 2022 DOJ should send revised letters from the suspects whose reports of child abuse were omitted from CACI and for individuals inappropriately included in CACI. To ensure it is able to revise expedited letters if later determined to be incorrect, DOJ should immediately begin maintaining a history of all responses to expedited background checks.*

DOJ's Response

The DOJ agrees and already sends subsequent notifications of any changes to CACI, including any additions or removals from CACI, pursuant to Penal Code section 11105.2. Subsequent notifications are only permitted when the receiving entity still has a legal right to receive the information.

With respect to its expedited letters process, the Department is reviewing to
(11) determine if any changes are needed. This is because expedited letters are used for emergency situations, such as a law enforcement officer having custody of a minor child and needing to place the child in someone's care before the county welfare department can take over the child's placement. In this scenario, the law enforcement officer and law enforcement agency who made the expedited request would not have a right to receive subsequent information once they no longer have placement responsibility for the child.

- *To ensure that suspects are deleted from CACI in accordance with state law, by November 2022 DOJ should research and address the 36,000 reports lacking birth dates by entering the suspect's correct birth date and removing suspects who no longer meet the CACI requirements.*

DOJ's Response

(12) The DOJ agrees, has already reviewed the 36,000 records, and determined that 35,000 of these records are from the legacy child abuse system with reports dating from 2008 to 1965. Legacy records did not necessarily include a reported individual's date of birth because some of these records would have been entered before the adoption of CANRA and implementing regulations. Only as a result of Assembly Bill No. (AB) 717 (2011-2012 Reg. Sess.) (AB 717) and AB 1707 (2011-2012 Reg. Sess.) could reported individuals be removed from CACI on the basis of their age. The dates of birth are now mandatory for CACI entries, in order to ensure that eligible individuals are removed in accordance with AB 717 and AB 1707.

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If you have any questions or concerns regarding this matter, you may contact me at the telephone number listed above.

Sincerely,

Joe Dominic, Chief/CIO
California Justice Information Services Division

For ROB BONTA
Attorney General

cc: Venus D. Johnson, Chief Deputy Attorney General
Chris Prasad, CPA, CFE, Director, Office of Program Oversight and Accountability

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Comments

CALIFORNIA STATE AUDITOR'S COMMENTS ON THE RESPONSE FROM THE CALIFORNIA DEPARTMENT OF JUSTICE

To provide clarity and perspective, we are commenting on the response to our audit from DOJ. The numbers below correspond to the numbers we have placed in the margin of the response.

At no point does our audit report suggest that DOJ does not believe that children should be protected or that individuals' rights should be protected. Further, our report does not overstate or inflate DOJ's role in regards to CACI. Rather, we accurately describe DOJ's and the counties' roles on pages 7 through 11 of our report. ①

One of DOJ's statutory roles in CACI is to accurately maintain the information it receives from counties. However, as discussed on page 15, out of the 60 reports we reviewed, counties were able to provide evidence that they finalized 29 of these reports and they assert that they sent these reports to DOJ via the US Post Office, as directed by DOJ. Although DOJ entered one of these reports into CACI after we received the data, the remaining 28 reports were not in CACI. As we note on pages 16 and 17, because DOJ did not track the reports it received from counties or the reports it sent back to them for correction, it was unable to verify why these reports are missing from CACI. ②

Our report does not ignore the reasons for differences between the number of reports in CWS/CMS and the number of reports in CACI. Rather, we explored the reasons for this discrepancy and describe the results of our review beginning on page 15. ③

Our conclusions are not based on faulty assumptions, but rather on an evaluation of the evidence that the counties and DOJ were able to provide. As shown in the Table on page 16 and as discussed on page 15, counties were able to provide evidence of these 29 finalized reports in their case files and assert that they sent these reports to DOJ via the US Post Office, as directed by DOJ. Although DOJ stated that it would have returned 15 of these reports because they were missing information, DOJ did not track all reports it received or reports it sent back to counties, and is therefore unable to support its assertion that it is highly likely the reports were returned to the county to provide missing information or were never received. ④

⑤ State law governing our audits prohibits us from sharing confidential information between auditees. We provided all of the critical information to which DOJ has legal access and which we could lawfully share prior to DOJ sending its written response. However, Social Services has legal authority over some of the critical information DOJ needs to follow up on specific child abuse reports missing from CACI. We provided this information to Social Services and encouraged it to enter into an agreement with DOJ to share this information as soon as possible.

⑥ We carefully considered the differences between CACI and CWS/CMS, especially as they relate to the population of records that meet the criteria for inclusion in CACI. As discussed on page 7, we considered only cases of child abuse and *severe neglect*, and on page 18 we describe that cases of *general neglect* are not reported to DOJ for inclusion in CACI.

⑦ Contrary to DOJ's assertion, we considered the provision regarding *active investigations,* which we discuss beginning on page 18 of our report. Further, our second recommendation to the Legislature, that it amend state law to require all reports of substantiated child abuse to be included in DOJ's background checks, is in response to this specific issue. However, some of this information was redacted in the draft report we provided to DOJ because it was related to other entities.

⑧ As DOJ acknowledges in its response, DOJ's suggestion for the Legislature to amend state law to require Social Services and county CWS agencies to check CWS/CMS would only apply to Social Services and county CWS agencies. This recommendation would not apply to the many other types of authorized users of CACI discussed in the text box on page 7. Also, to be clear, our audit did not establish—or attempt to establish—that Social Services and county CWS agencies are not already checking CWS/CMS prior to making placement and licensing decisions.

⑨ We note that DOJ agrees with *all* of our recommendations despite its concern that the report needs additional contextual information.

⑩ DOJ refers to actions that it began taking at the end of our audit after we shared our findings and recommendations. We are glad to hear that DOJ is taking positive steps toward implementing those recommendations and we look forward to reviewing its progress.

⑪ As discussed beginning on page 14 of our audit report and in our recommendation, DOJ needs to begin retaining all responses to its expedited background check process. Because DOJ does not track these responses for longer than two months, it cannot reliably determine if its response indicated whether an individual matched

information in CACI. In the event that DOJ learns of additional reports of child abuse that should have been in CACI, DOJ does not know when it is appropriate to send a corrected letter to authorized users who still have a right to the information.

Although DOJ asserts that many of the CACI records lacking birth dates are from prior to 2009, DOJ's response indicates that 1,000 of these records were entered after 2008. While DOJ recently developed controls in CACI to require a birth date for all new records, it is still important for DOJ to research and correct all 36,000 reports lacking birth dates to ensure it removes individuals who no longer meet the CACI requirements. ⑫

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KIM JOHNSON
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • *www.cdss.ca.gov*

GAVIN NEWSOM
GOVERNOR

May 12, 2022

Michael S. Tilden, CPA*
Acting California State Auditor
California State Auditor
621 Capitol Mall, Suite 1200
Sacramento, CA 95814

SUBJECT: CDSS RESPONSE TO CALIFORNIA STATE AUDITOR'S REPORT

Dear Michael Tilden:

This letter is in response to the recommendations identified for the California Department of Social Services (CDSS) in the California State Auditor's (CSA) Report 2021-112 entitled *The Child Abuse Central Index*. The CDSS is committed to strengthening existing processes to improve the accuracy and efficiency of reporting to the Child Abuse Central Index (CACI) by local child welfare services agencies in a manner which supports the protection of children, while also providing thoughtful consideration of the privacy and confidentiality of families involved with the child welfare system and appropriate protections of the due process rights of individuals whose names are submitted to the CACI. Additionally, the CDSS is committed to supporting exploration of policies that may increase the fairness and equity of the CACI, which has received criticism as unfairly and inappropriately impacting individuals whose names were submitted to the index.

Below you will find the CDSS response to the recommendations in the CSA Report. CDSS appreciates the opportunity to further discuss these recommendations with the CSA.

CSA Recommendation #1

Immediately develop a process to collaborate with the Department of Justice (DOJ) and counties to review the list of 27,000 reports of substantiated child abuse that were not in CACI and ensure all eligible missing reports are forwarded to DOJ.

* California State Auditor's comments begin on page 65.

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CDSS Response:

The CDSS is committed to working in partnership with counties and the DOJ to develop interagency collaborative processes that may be used to effectively and efficiently identify whether reports are being appropriately submitted to the CACI. Any processes developed must be consistent with existing confidentiality laws and the established CACI due process procedures. The CDSS will take the following steps to assess and develop these interagency collaborative processes:

- Meet with county child welfare directors and relevant county staff to determine mutually agreed upon protocols to provide each county with a list of their county's reports for further review and assessment, as appropriate; ①
- Meet with the DOJ to explore whether CACI data may be provided to CDSS and counties for reconciliation purposes, and establish any necessary data sharing agreements;
- Provide technical assistance, training, and issue state guidance to support county practice; and
- Assess what resources may be necessary to successfully implement any new procedures.

② The CDSS recently received the CSA's methodology for identifying these reports on May 10, 2022, and is currently assessing this methodology and data. ③ It is critical to note that while existing data fields indicate a substantiated allegation in the Child Welfare Services/Case Management System (CWS/CMS), additional review is necessary to determine whether the report met all criteria under state law for submitting an individual's name for purposes of CACI reporting. In order to assess and verify whether an individual's name should have been submitted to the CACI based upon a substantiated allegation in CWS/CMS, the CDSS will partner with counties to assess establishing protocols and the resources needed to complete a qualitative review for ④ each of the 27,000 reports, including a review of investigation narratives and logs, in order to verify the following requirements were met for submission to the CACI:

- There is sufficient identifying information regarding the alleged perpetrator to fully and accurately complete and submit the CACI report in accordance with Section 901 of Title 11 of the California Code of Regulations;
- The facts underlying the substantiated allegation meet the specific definition(s) of child abuse and severe neglect described in Penal Code Sections 11165 through 11165.6 that are used for reporting to the CACI;
- The local county child welfare agency conducted an active investigation of the report and determined the allegation to be substantiated, as required by Penal Code Section 11169(a); and

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- The allegation was not subsequently determined to be unsubstantiated through a grievance hearing or court proceeding. (5)

Furthermore, in partnering with counties to develop any necessary protocols, CDSS will provide technical assistance to support compliance with the required due process procedures when a name is submitted to the CACI, including appropriate notice to such individuals that have been listed on the CACI and their right to a grievance hearing.

CSA Recommendation #2

By November 2022, develop monthly reports from CWS/CMS of cases of child abuse substantiated during the month and another list of cases that changed from substantiated to not substantiated, and then provide these reports to the counties and to DOJ.

CDSS Response:

The CDSS agrees with the importance of counties reporting accurate information to the CACI and is committed to providing support and technical assistance to counties to strengthen the accuracy and completeness of CACI reports. However, because a list of substantiated allegations documented in CWS/CMS requires more nuanced analysis of whether a report met the required criteria for submission to the CACI, the process described in this recommendation may not accomplish our collective goal. To determine how existing data may be most effectively leveraged to strengthen county reporting to CACI, CDSS will: (6)

- Assess whether existing functionality within CWS/CMS supports the feasibility of generating proposed reports to the counties; (7)
- Meet with county child welfare directors and relevant county staff to determine what data and protocols will effectively provide counties with additional tools to strengthen CACI reporting; (1)
- Meet with the DOJ to explore whether CACI data may be provided to CDSS and counties for ongoing reports and reconciliation purposes, and establish any necessary data sharing agreements;
- Provide technical assistance, training, and issue state guidance to support county practice; and
- Assess what resources may be necessary to successfully implement any new procedures.

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CSA Recommendation #3

By November 2022, ensure that all counties develop policies and procedures to review the monthly reports produced by Social Services and ensure that they have sent all appropriate reports to DOJ.

CDSS Response:

The CDSS is committed to partnering with counties and the DOJ to develop appropriate ongoing reconciliation processes to strengthen county reporting to the CACI, including issuing state guidance for existing and new procedures. Counties update the policies and procedures of their child welfare program according to CDSS policy guidance typically issued through All County Letters (ACL) or regulation updates. To support county updates to their local policies, the CDSS will take the following course of action:

- Develop and issue an ACL providing counties with written guidance on their ongoing duties and responsibilities to ensure accurate and timely data entry into CWS/CMS as well as the commitment to submit CACI reports to the DOJ by counties that receive optional Interagency Child Abuse and Neglect (ICAN) block grant funding.
- Develop and issue state guidance on any review and reconciliation procedures established for CACI reports, including procedures for county child welfare agencies to receive any data reports, how to reconcile potential discrepancies identified by the reports, and how to ensure reports are submitted correctly or identified as inappropriate for submittal.

⑧ The CDSS anticipates the reconciliation process will be a large workload for county child welfare agencies to complete as they will need to complete a qualitative review for all cases to correctly verify which substantiated reports should have been listed on the CACI. Only counties receiving the optional ICAN block grant funding are required to continue submitting reports to DOJ for the purposes of listing a perpetrator on the CACI. If counties opt-out, they are not required to report. Requiring counties to participate in this new reconciliation process could have potential unintended consequences. County

⑨ child welfare agencies may choose to
opt-out of receiving the ICAN Block Grant funds and discontinue reporting to the CACI in subsequent fiscal years due to the county not having the resources to be able to support this new activity.

CSA Recommendation #4

By November 2022, collaborate with DOJ to identify and reconcile all reports that should have been submitted to CACI by counties and work with counties to enter all reports

into CACI by May 2023. This collaboration should not be limited to reports of our four-year audit period.

CDSS Response:

The CDSS is committed to collaborating with counties and DOJ to determine the most effective solution for the reconciliation of records in a manner consistent with existing confidentiality laws and due process requirements. The process will also be dependent upon DOJ's ability to provide CACI information for a reconciliation process to help strengthen accurate and consistent CACI reporting by county child welfare agencies. Additionally, any process for counties to submit reports from prior years will require thoughtful assessment of whether sufficient due process can be provided.

CSA's Recommendation Impacting CWS/CMS:

The Legislature should amend state law to require DOJ to directly access and review CWS/CMS system data.

CDSS Response:

The CDSS supports exploring alternative opportunities to leverage existing data to improve the accuracy of CACI reporting, including CDSS and county access to CACI data for reconciliation purposes. Any proposed access to local child welfare data contained in CWS/CMS by another entity must thoughtfully consider the confidentiality and privacy of families involved with the child welfare system, the due process protections for individuals whose names are submitted to the CACI, and the technical capabilities and limitations of the existing system. The CWS/CMS holds underlying investigation and case information involving families who receive child welfare services that is strictly confidential under state and federal law. The CWS/CMS is a confidential case management system and was not designed to provide access to specific data for purposes of a CACI background check as proposed by the CSA. Due to the current technical limitations of the CWS/CMS, there is not currently a confidential and secure way to grant the DOJ access to the CWS/CMS without also granting access to all referral and case data, including information of individuals whose names are not reportable to CACI. ⑩

Additionally, it is not feasible to make changes to the current legacy system due to the existing governance process, specifically how system changes are requested, developed, and implemented. The technical aspects involved to create a new level of restrictive access as stated above would be subject to building a case for a business need. Given the system's limited technical capabilities and existing structure, making system changes to the CWS/CMS requires additional funding and contractual

amendments and at a minimum involves a comprehensive analysis process to analyze, estimate costs, and develop any changes before implementation could take place. The CWS/CMS will be decommissioned and replaced with the Child Welfare Services-California Automated Response Engagement System (CWS-CARES).

Child safety is of utmost importance to CDSS, and CDSS will explore all opportunities to improve information sharing and data quality. The new case management system in development, CWS-CARES, has existing plans to exchange CACI information with the DOJ, where feasible and appropriate. The implementation of a data exchange between CACI and CWS-CARES would allow for proper consideration of children, youth, and
⑪ families' confidentiality rights and maintain appropriate separation between the two systems, which serve distinct statutory purposes. Additionally, it could improve the accuracy and timeliness of CACI information submitted to DOJ.

RESPONSE FOLLOW UP

Questions or requests for clarification regarding the information in this letter should be directed to Debbie Richardson, Chief, Office of Audit Services at Debbie.Richardson@dss.ca.gov.

Sincerely,

KIM JOHNSON
Director

Comments

CALIFORNIA STATE AUDITOR'S COMMENTS ON THE RESPONSE FROM THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

To provide clarity and perspective, we are commenting on the response to our audit from Social Services. The numbers below correspond to the numbers we have placed in the margin of the response.

Social Services' list of steps it indicates it will take notably lacks a key activity: sharing with DOJ the list of 27,000 reports of child abuse in CWS/CMS, which were not in CACI. We provided this list to Social Services and asked that it enters into a data sharing agreement and then share the data with DOJ. As we discussed on page 14, DOJ has already provided responses to authorized users stating that at least 224 individuals do not have a history of child abuse even though that same individual has substantiated reports of child abuse in CWS/CMS. It is crucial that Social Services share with DOJ the full list of 27,000 reports of child abuse from CWS/CMS so that DOJ can work with counties to prioritize researching and submitting any eligible missing reports of child abuse. DOJ can then send revised letters to authorized users, as appropriate. ①

In November 2021, Social Services staff provided us system documentation from CWS/CMS, which outlined how to identify reports of substantiated child abuse. We relied on this documentation, as well as multiple discussions with Social Services' staff, when developing our methodology and conducting our analysis. We also reviewed in detail a selection of 60 substantiated child abuse reports missing from CACI. Based on our review of these 60 reports, we understand that some portion of the 27,000 missing reports will ultimately be determined to not meet the criteria to be in CACI. However, we are convinced by the evidence we have analyzed that the majority of these 27,000 child abuse reports do need to be in CACI and that Social Services needs to act swiftly to help DOJ protect children. ②

We acknowledge that not all 27,000 reports of substantiated child abuse in CWS/CMS may be eligible for CACI and that additional review is necessary to determine whether these reports meet the criteria for inclusion in CACI. Therefore, we do not recommend that all of these reports be summarily entered into CACI. Instead, we recommend that Social Services immediately develop a process to collaborate with DOJ and counties to review this list. ③

④ We recognize that reports of child abuse must meet certain requirements to be included in CACI and our analysis accounted for these requirements when there was sufficient data to do so. As a result, and as we discuss on page 15, we determined that 52 of the 60 child abuse reports we reviewed met the reporting requirements and should have been included in CACI.

⑤ We recognize that grievance hearings and court proceedings can result in an allegation no longer being substantiated, and we accounted for this factor in our data analysis. Specifically, while we evaluated reports of child abuse for the four-year period ending June 2021, we removed any reports of child abuse which were no longer substantiated as of November 2021—the date we received a copy of Social Services' CWS/CMS data.

⑥ We recognize that a nuanced analysis is required to determine whether a report belongs in CACI. That is why we recommend that Social Services develop monthly reports of newly substantiated reports of child abuse and furnish them to the counties, and ensure that counties review these reports against the CACI reports that they develop and send to DOJ each month.

⑦ It is unclear why Social Services needs to assess whether CWS/CMS could generate reports of substantiated child abuse when we used this same data to conduct our analysis identifying these discrepancies.

⑧ We disagree with Social Services' characterization that this monthly reconciliation process will create a large workload for the counties. On an ongoing basis, counties are already completing the necessary qualitative reviews to determine whether reports of child abuse meet CACI reporting requirements before sending reports to DOJ. We are simply recommending that the counties reconcile the monthly reports of substantiated child abuse recorded in CWS/CMS against the CACI reports, which the counties already sent to DOJ, to ensure that the counties have sent all eligible reports.

⑨ We believe Social Services is overstating the potential workload for counties to help ensure that their substantiated child abuse reports are in CACI. Further, we believe counties will focus their attention on the intended consequence of our recommendation, which is ensuring that CACI is accurate and complete so that children are better protected. Finally, our recommended reconciliation process is intended to be a temporary solution until the Legislature amends state law and allows DOJ access to the substantiated reports of child abuse in CWS/CMS data directly.

Social Services asserts that technical limitations in CWS/CMS may prohibit sharing information directly with DOJ. Additionally, it states that before making technical changes to its system to implement our recommendation, it would have to build a case for a business need to do so. We believe that ensuring child abuse background checks are based on accurate and reliable information is a sufficient business need considering that one of Social Services' core missions is to protect vulnerable children. Further, if the Legislature amends state law to require all reports of substantiated child abuse to be included in DOJ's background checks, as discussed on page 3, Social Services would need to make fewer technical changes to CWS/CMS, which could allow Social Services to more quickly provide CWS/CMS access to DOJ. ⑩

Social Services suggests implementing a data exchange to transfer information to CACI. However, if Social Services were to effectively implement this solution, CACI data would substantially duplicate information in CWS/CMS. This effort to establish a copy of CWS/CMS data would be unnecessary if DOJ were able to access CWS/CMS directly. Further, as we state on page 26, Social Services estimated that it would not begin implementing the data exchange until fall 2023, during which time DOJ would have responded to many child abuse background checks without the benefit of up-to-date information. This delay underscores the importance of Social Services sharing available data with DOJ immediately. ⑪

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CONTRA COSTA COUNTY
EMPLOYMENT & HUMAN SERVICES
Marla Stuart, Director
40 Douglas Drive, Martinez, CA 94553 • Phone: (925) 608-5000 • Fax: (925) 313-9748 • www.ehsd.org

May 10, 2022

To: Michael S. Tilden
Acting California State Auditor

From: Marla Stuart, MSW PhD
Employment and Human Services Agency Director

CONTRA COSTA COUNTY'S RESPONSE TO DRAFT FINDINGS OF THE CALIFORNIA STATE AUDIT REGARDING THE CHILD ABUSE CENTRAL INDEX

The State Audit reviewed the effectiveness of the Department of Justice's CACI database, which contains substantiated cases of physical, sexual, and emotional abuse or severe neglect of child abuse. The identified review period was July 2017-June 2021. The California State Auditor conducted a thorough review of Contra Costa County Children and Family Services' compliance with Child Abuse Centralized Indexing (CACI) requirements.

We appreciate the California State Auditor taking the time to review Contra Costa County's current policies and make recommendations on how the County can improve its processes to ensure the effectiveness of the CACI database. Contra Costa County generally agrees with the findings and recommendations of the draft audit report. The recommendations are in the following areas:

- **Develop policies for removing existing reports in CACI when warranted**
- **Adopt grievance hearing policies allowing the complainant to challenge the impartiality of the grievance review officer**
- **Identify and correct inaccuracies in CWS/CMS**

Develop policies for removing existing reports in CACI when warranted
Contra Costa County Children and Family Services will enhance its current policies to include instructions on removing reports from the CACI database when warranted by subsequent findings or hearings that the allegations should not be substantiated.

Adopt grievance hearing policies allowing the complainant to challenge the impartiality of the grievance review officer
Contra Costa County Children and Family Services will enhance its current policies to include the steps that allow a grievant to challenge the impartiality of the grievance hearing officer.

Identify and correct inaccuracies in CWS/CMS
Contra Costa County Children and Family Services will correct the inaccuracies noted in the Audit.

To strengthen and improve our processes, the Contra Costa County Children and Family Services should complete the items mentioned above by June 2022.

If you have any questions or require additional information, please contact Children and Family Services Bureau Director, Kathy Marsh via email at kmarsh@ehsd.cccounty.us or phone at (925) 608-4815.

Lito Morillo
Director

May 10, 2022

Michael S. Tilden*
Acting California State Auditor
621 Capital Mall, Suite #120
Sacramento, CA 95814

Dear Mr. Tilden.

Thank you for the opportunity to work together in this process of reviewing our procedures and practices in Kern County in regards to the Child Abuse Central Index. The department has reviewed the report, The Child Abuse Central Index and the following is our response:

Finding #1: The review revealed that miscommunication among county staff and REDACTED were major causes of these missing reports.

Recommendation #1: To ensure that they correctly revise and resend incomplete reports needing correction, by July 2022, Kern should develop policies and procedures for accurately responding and tracking reports DOJ sends back for correction.

Response to Finding and Recommendation: The Department partially concurs with this finding and the department will be compliant with auditor's recommendation.

Achievable Deadlines for Resolution: The Department has a procedure in place including an established CACI representative who receives DOJ forms that require correction and has an established procedure for their process. The Department will update related policies and procedures. In addition the Department will develop a tracking system, including creating a CACI log that will be maintained by the investigating program. The CACI representative will work with the case assigned staff member to ensure forms are corrected and sent back to DOJ for correction. The Department anticipates this will be completed by August 2022. ①

Recommendation #2: To ensure fair and impartial grievance hearings and to comply with state regulations, Kern should, by July 2022, adopt grievance hearing policies allowing the complainant to challenge the impartiality of the grievance review officer.

Current Status and Achievable Deadline for Resolution: The Department will update grievance hearing related policies to address complainant challenges of the grievance officer. The Department is also working on establishing a contract with the California Central Training Academy, who will provide the grievance hearing officers in the event a complainant challenges

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* California State Auditor's comments appear on page 75.

the impartiality of a grievance officer. In addition, the Department will also be training additional grievance hearing officers to increase the pool of available grievance hearing officers. By September 2022, the Department will be compliant with auditor's recommendation.

Finding #2: CACI is missing many suspects with a history of child abuse.

Response to Finding: The Department concurs with this finding and the department will be compliant with auditor's recommendation.

Achievable Deadlines for Resolution: The Department will correct any cases that are required to be corrected due to the audit findings. The Department is and will continue to review CACI related policies and procedures and will be providing CACI focused training to all child welfare social workers and supervisors. By November 2022, the Department will be compliant with auditor's recommendation.

Finding #3: County CWS Agencies could not adequately explain why CACI is missing substantiated reports of child abuse.

Response to Finding: The Department concurs with this finding and the department will be compliant with auditor's recommendation.

Achievable Deadlines for Resolution: The Department is and will continue to review CACI related policies and procedures and will be providing CACI focused training to all child welfare social workers and supervisors. By November 2022, the Department will be compliant with auditor's recommendation.

Finding #4: Kern County lacked policies and procedures for correcting child abuse reports that DOJ returns to it.

Response to Finding and Recommendation: The Department partially concurs with this finding. The department does have a procedure but the procedure for correcting child abuse reports but it is not outlined in a policy.

Achievable Deadlines for Resolution: Kern has a designated CACI representative who receives all the reports sent back from DOJ requiring correction and makes the required corrections and
① will send the corrected form back. The procedure is in place but not detailed in policy. Therefore, the Department is and will continue to review and update CACI related policies and procedures and will be providing CACI focused training to all child welfare social workers and supervisors. The Department anticipates this shall be completed by November 2022.

Finding #5: The Counties we reviewed did not always send reports to DOJ

Recommendation: Although Kern County's approach is allowed by state and Social Services' guidance, other counties we reviewed typically wait for law enforcement to finish its investigation before the county concludes its investigation or the county reaches a conclusion based on the available evidence and reports the suspect to CACI if it substantiates an allegation of child abuse.

Response to Finding and Recommendation: The Department partially concurs with this finding. As stated in the audit, state law allows certain substantiated cases of child abuse to not be included in CACI. Furthermore, in response to waiting for law enforcement to complete their investigation, in Kern County, Law Enforcement can delay response on an investigation or delay a Social Worker from completing a full investigation sometimes up to 6 months to a year. Due to these delays and to be in compliance with our Division 31 regulations, Kern is not able to keep the referrals open for that extended amount of period. ②

Achievable Deadlines for Resolution: Kern will request CDSS provide further guidance in regards to defining "active investigation" to provide guidance in those circumstances where the perpetrator is not interviewed. Kern will update policies as required once the guidance is received and anticipate to be completed by November 2022.

Finding #6: CACI erroneously contains some reports of child abuse that are not substantiated, which could lead to DOJ informing an authorized user that an individual is a perpetrator of child abuse when he or she has not associated report of substantiated child abuse. As a result, this erroneous information may limit that person's employment or opportunity to care for children.

Response to Finding: The Department concurs with this finding and the department will be compliant with auditor's recommendation.

Achievable Deadlines for Resolution: The Department is and will continue to review CACI related policies and procedures and will be providing CACI focused training to all child welfare social workers and supervisors. The Department anticipates this shall be completed by July 2022. The Department will work on reviewing and updating our policies and procedures as required and provide a refresher training for our staff and supervisors to ensure all the staff is familiar with the process by November 2022.

Thank you again for the opportunity to work together. If you wish to discuss our response further or have any questions, please contact Program Director, Limbania Sandoval at 661-631-6335 or email at sandovl@kerndhs.com.

Sincerely,

M. Morillo

Lito Morillo
Director

CC Ryan Alsop, Chief Administrative Officer

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Comments

CALIFORNIA STATE AUDITOR'S COMMENTS ON THE RESPONSE FROM KERN COUNTY

To provide clarity and perspective, we are commenting on the response to our audit from Kern County. The numbers below correspond to the numbers we have placed in the margin of the response.

Although Kern County claims to have a procedure in place for accurately responding to and tracking reports that DOJ sends back to it for correction, it was unable to provide documentation of this procedure during the audit. Nevertheless, in response to our recommendations, Kern County acknowledges that it plans to update its policies and procedures to describe how it responds to these requests, and that it will develop a system to track these requests. ①

As we discuss on pages 18 and 19, because Kern County determined that it did not perform an active investigation for certain substantiated cases of child abuse, it did not forward these cases to CACI for inclusion in child abuse background checks, as allowed by state law. To address this gap in reporting to CACI, on page 3, we recommend that the Legislature amend state law to require all substantiated cases of child abuse be included in background checks. ②

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GAIL ARAUJO
DIVISION DIRECTOR
FAMILY SELF-SUFFICIENCY &
ADULT SERVICES

ANNE H. LIGHT, M.D.
MEDICAL DIRECTOR

May 10, 2022

Mr. Michael S. Tilden*
Acting California State Auditor
621 Capitol Mall, Suite 1200
Sacramento, California 95814

Subject: Report No. 2021-112 – Child Abuse Central Index

Dear Mr. Tilden:

The County of Orange Social Services Agency (SSA) has received the California State Auditors (CSA) Child Abuse Central Index draft report dated May 31, 2022. The opportunity to review the report and provide a response is appreciated.

SSA is committed to delivering quality services that are accessible and responsive to the community. In the spirit of collaboration, we welcome the external evaluation process to make valuable recommendations for system improvement.

As a child welfare agency, SSA agrees that the accuracy of agency records and those of the Child Abuse Central Index (CACI) are vitally important. SSA strives to ensure accuracy and has developed and maintained numerous policies and procedures to safeguard data integrity. Even so, the audit found an opportunity for policy and process improvement, and SSA is committed to implementing that recommendation.

SSA would like to thank CSA for its work on this audit and for allowing us an opportunity to respond, enabling an avenue with which to improve our practice.

Enclosed, please find our response to the audit recommendations. If I can be of further assistance, please don't hesitate to contact me at Debra.Baetz@ssa.ocgov.com or by phone at 714-541-7773.

Sincerely,

Debra J. Baetz
Director
County of Orange Social Services Agency

* California State Auditor's comment appears on page 79.

Response to California State Auditors report

CSA Recommendation #1: *Develop policies to accurately respond to and track reports DOJ sends back for correction.*

SSA Response: The agency agrees with this recommendation and has already begun discussions to ensure we accurately respond to and track reports DOJ sends back for correction as identified in the audit. We will fulfill the recommendation within the timeline detailed in the report.

CSA Recommendation #2: A*dopt grievance hearing policies requiring the return of confidential documents when the county provides such evidence to suspects for a grievance hearing*.

SSA Response: A grievant receives documents by filing a Welfare and Institutions Code §827 "Petition for Access to Juvenile Case File" (aka 827 Petition) with the Orange County Superior Court. Once approved by the court, SSA then redacts the documents and they are released by the SSA Custodian of Records. As records are acquired through
① a legal process, SSA does not have the authority to request the return of the documents. SSA will develop a policy should there be any change in how records are obtained.

Comment

CALIFORNIA STATE AUDITOR'S COMMENT ON THE RESPONSE FROM ORANGE COUNTY

To provide clarity and perspective, we are commenting on the response to our audit from Orange County. The number below corresponds to the number we have placed in the margin of the response.

Although Orange County directs complainants to use the "827 Petition" process—which is a process to obtain a court order to access juvenile case file information—to obtain evidence relevant to their grievance hearings, neither state regulations governing CACI nor the statutes authorizing the 827 Petition process requires complainants to use this process. Instead, state regulations governing the grievance hearing process require Orange County to provide evidence to complainants upon request. Thus, we stand by our recommendation that Orange County should develop grievance hearing policies that address the return to it of confidential documents that suspects obtain outside of the 827 Petition process. ①

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Shasta County Health & Human Services Agency | Children's Services Branch

Tuesday, May 10, 2022

Michael S. Tilden, CPA, Acting California State Auditor
California State Auditor's Office
621 Capitol Mall, Ste 1200
Sacramento, CA 95814

Subject: Response to the California State Auditor's Office regarding Shasta County Child Abuse Central Index Audit (2021-112 – Confidential Draft Audit Report)

Dear Mr. Tilden:

Thank you for the opportunity to review the draft of the California State Auditor's Audit findings for Shasta County Health and Human Services Agency, Children's Services Branch.

We agree with the recommendations contained in the copy of the redacted report and have already initiated corrective actions on the issues that were brought to our attention during the review process. Our Agency is committed to improving internal practices to ensure the health and safety of the children of Shasta County.

We thank your staff for their professionalism and time in performing this review to help strengthen our operations. If you have any questions or require additional information, please have your staff contact me directly.

Sincerely,

Miguel Rodriguez, MSABA, LCSW

Miguel Rodriguez, MSABA, LCSW
Children's Services Branch Director
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COMMUNITY SERVICES AGENCY

Christine Huber, MSW
DIRECTOR

May 10, 2022

Michael Tilden, CPA
C/O R. Wade Fry, MPA
California State Auditor
621 Capitol Mall, Ste 1200
Sacramento, CA 95814
WadeF@auditor.ca.gov

Re: State Auditors' Draft Report 2021-112

Dear Michael Tilden,

The County of Stanislaus has reviewed a draft redacted report of California State Audit No 2021-112 regarding the Child Abuse Central Index. Community Services Agency has identified three recommendations in the report specific to Stanislaus County. We have no objection to the three recommendations and have no other comment on the remainder of the document.

The County understands the importance of the Child Abuse Central Index and ensuring that correct information is submitted to the Department of Justice. In addition, we are committed to following all legal mandates and ensuring the policy identifies all necessary components. We welcome the opportunity to review our practices and if you have any further questions, I can be reached at (209)558-2500.

Sincerely,

Christine Huber

Christine Huber, MSW
Director

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